

---

## Washgate – Summary of Regulation 4 Consultation Responses

### **Derbyshire County Council, Highway Authority -**

- In terms of traffic distribution, this route has no importance as a link road within the highway network. The removal of mechanically propelled vehicles from a route can only be beneficial in terms of the safety of more vulnerable road users and also reduce future maintenance costs. Therefore, there would be no reason to object to such a proposal.
- In terms of the type of restriction that should be used, would suggest something that would enable some form of physical barrier to be erected to ensure self-compliance. Anything that would require a Police presence for enforcement purposes would undoubtedly become abused.

### **Derbyshire Constabulary –**

- The surface itself is in gradual decline and will only get worse over time so the viability of the associated maintenance costs involved has to be questioned and provided there is justification through monitoring an option is to restrict its use by leisure drivers/riders.
- From an enforcement perspective ideally there is a need to introduce physical measures supporting the restriction –the need for access by agricultural vehicles means this is not easily achievable and also the smaller width of motor cycles often allows riders to evade any such measures. Any such restriction cannot be a policing priority, particularly those in such rural locations and without engineering measures in place, there can be no expectation on any routine police enforcement.
- The argument for not restricting its use is dependent on the results of monitoring –what type of traffic use it and how often etc because such a restriction may not be proven necessary. The deteriorating condition of the surface also provides a natural deterrent.
- No evidence to suggest that its use causes issues for the police, but the need for action relates to protecting the surface, so again this comes back to the local authorities satisfaction that such a restriction is needed.
- Signs alone are unlikely to deter unlawful use and this must be borne in mind as part of the local authority's need to manage the expected benefits of such a TRO –practically regular police enforcement cannot be relied upon to make such a restriction effective.
- Washgate travels between Derbyshire and Staffordshire of course so any enforcement implications will be evident for both police forces.

**Hartington Upper Quarter Parish Council** – believes that the route should be restricted by a permanent Traffic Regulation Order prohibiting use by all recreational motor vehicles at all times. Think that the TRO should be between Ley Cote Farm and Tenterhill Farm. Do feel however, that a possible exemption could be made in the Order for 2 motorcycle trials per year, The Bemrose and the Reliance, as they have used the lane for many years without causing problems. Reasons for proposing this action are as follows:

- Washgate Lane is a beautiful and historic packhorse lane which has been badly damaged by motor vehicle use in recent years. The lane is very narrow with steep banks in places; it is very difficult and dangerous for horse riders, cyclists and walkers to use the lane when it is being used by motor vehicles.
- The historic stone pitching and the wonderful packhorse bridge are very important parts of our heritage and feel that the only way of protecting them for future generations is to prohibit more vehicle use on the lane.
- Following on from this, feel that the excellent work to restore and repair the stone pitching that is being carried out by PDNPA conservation volunteers will be destroyed unless a TRO is put in place.
- The lane and especially the area around the bridge is one of the most beautiful and tranquil places in the National Park. It is mentioned in a number of books and features in several paintings. The area should be a place where people can relax without the noise and pollution from motor vehicles. A TRO would greatly enhance the enjoyment of the area for a great many people.

- The banks and verges of the lane are very rich in plant life as is the area through which the lane runs. This has been confirmed by various ecological studies including recently by Staffordshire Wildlife Trust. Lizards, voles and much other wildlife inhabit the banks of the lane. The best way to protect the flora and fauna of the lane and the surrounding area is a permanent TRO.
- In conclusion feel that a full permanent TRO prohibiting motor vehicles will greatly enhance the amenity of the area for other users, will protect the history and heritage of the lane for future generations and will conserve and protect the ecology of the lane and surrounding area.

Supplemental - Would like to restate our view that a full permanent Traffic Regulation Order should be put in place as quickly as possible. However we recognise that this can take time and we are concerned about the possibility of 4 X 4 use on the lane in the meantime. Any 4 X 4 use would cause great damage to the lane and the excellent restoration and repair work carried out by PDNPA. If there is any possibility of this happening we would strongly urge PDNPA to place a temporary Traffic Regulation Order on the lane immediately to protect the lane while working towards a permanent Order.

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

- 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 on ways to do so. On 28th November 2008 a sub group of the LAF met at Losehill Hall to discuss the route. The sub group were asked to comment on how the route could be managed to improve the condition. After discussion the following was recommended: (i) a permanent TRO for recreational motor vehicles (except with specific permission); (ii) a repair of the historical route surface. The sub group agreed the above with one member abstaining. Detailed comments on the route are recorded in the route management plan which were later used as a response to DCC's consultation on a proposed TRO for Washgates in July 2010.
- Since 2010 both DCC Highways and the Peak Park Conservation Volunteers have carried out repairs. There are boulders and signage to restrict the use of the route by wide vehicles.
- On 1st October 2014 the LAF Green Lanes sub group had a site visit to look at the management issues associated with the route and to make further recommendations for improvements. The findings were discussed at the sub group on 2nd July where the members recognized that although significant time and resources had been spent on this route since 2008 (including repairs by volunteers) progressive deterioration, even with limits on width, have made the route inaccessible for some users. The sub group agreed that the use by motorized vehicles is unsustainable and that the environmental significance are considerable.
- It is worth noting that the route is in both Derbyshire and Staffordshire and the LAF urges support from both Highway Authorities.
- The unanimous decision by the sub group was to recommend a permanent full time TRO on motorized vehicles

#### **Byways and Bridleways Trust**

- The route should be kept open to use by motor vehicles wherever possible. Do not believe the distinction between highway users in terms of recreational use or otherwise is an attractive distinction. All use of the highway is exactly that, i.e. use of the highway whether by recreational or other types of vehicles.
- If there is an identified problem which is supported by compelling evidence to that effect then would be willing to look at that evidence and form a view on your second question. Hitherto there is no evidence of an issue and your consultation letter makes no reference to issues on this particular route. BBT's view is that a TRO is only needed where there is a particular problem that needs to be resolved.
- BBT Trust wrote to the Council in December 2011 regarding a proposal to limit vehicles wider than one metre. A copy of the Trust's letter is attached. If it is the case that what your

Authority have in mind in 2015 is something similar then our comments from 2011 would remain.

- Can see no reason to restrict the use of the route as far as solo motorcycles are concerned. Any width restriction ought to consider saddled horses as set out in our 2011 letter.
- I have ridden this route on a pedal cycle several times in the last few years (including the ford) and cannot see any reason why motorcycles should be precluded from the use of this public road. There is a view that the ford is an integral part of this ancient highway. Suggest that resolution of the Ford as part of the highway is an essential pre-requisite to any TRO on the route.

#### **Ramblers' Association –**

- Support the proposed Traffic Order on Washgate Lane. Are of the opinion that all mechanically propelled vehicles should be restricted from using Washgate Lane, and that the restriction should be permanent. - Staffordshire Area
- Would strongly support the introduction of a Traffic Regulation Order on the Route at Washgate shown on the plan attached to your communication with interested parties. The view is that the area is remote, wild and of scenic, environmental and historical significance. Any kind of motor vehicle on this route would cause damage to the structure of the route, the bridge and the ford. As such vehicle use is inappropriate in this remote area of the National Park.- Derbyshire Dales group
- Suggest that it should be restricted to non motor propelled vehicles. The river crossing is a bridge of considerable historic value, possibly listed and it should be protected from damage by vehicles e.g. motor bikes and 4 x 4s. A restriction would improve the amenity for walkers and enhance the natural beauty of the area. Use should be restricted (we understand that there is considerable history attached to the regulation and use of this bridge) - New Mills & District

#### **Land Access and Recreation Association –**

- See that there was a consultation in 2010. That proposal was for an order not prohibiting solo motorcycles, via a one-metre width restriction. Not aware of any matter since 2010 that makes such a 'selective order' no longer appropriate, but there is a matter regarding the width of the route that needs to be addressed before any informed decision can be taken on a TRO.
- The PPNPA has formed the view that the ancient and current highway passes over the bridge, and that the adjacent ford is not highway. Do not think that argument stands up to challenge. Essentially, bridges (and this was mostly foot bridges) on 'old roads' were put in as a facility for pedestrian traffic using the road, where other traffic still had to proceed via a ford. Suspect that you are watching the Brushfield Lane case? Well, this issue is central to that road as well.
- You should, without prejudice to any future TRO report and decision, first 'bottom' the issue of the nature of the highway, particularly with a proper consideration of the rather arcane law regarding highways, improvements, and bridges, in period. Happy to assist but doubt if it can be done by 10 July. Would you please simply decide now to withdraw the matter from committee for further investigation, and push it back one committee 'slot'?
- With respect, you need to get this right as much as anyone else does, and it is not really a usual area of expertise within the Park's remit. To proceed on a false premise could well be a tripwire for another round of acrimony, and I hope that we are getting away from that.

Supplementary - You are going about this the wrong way and, ii) your 'consultation' is invalid anyway. Without prejudice to any further comment or potential challenge, and this below is not exhaustive:

- In your consultation letter of 10 June you said (my emphasis throughout): "The National Park Authority is seeking views on the possibility of the Authority making some form of traffic regulation order to restrict use of the above route by recreational mechanically propelled vehicles."

- The National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007. 2007 No. 2542, provides: Consultation before publication of proposals: 4. Where a National Park authority proposes to make a traffic regulation order it must, before publishing a notice of proposals pursuant to regulation 5(1)(a), consult the persons specified in the second column of the table in Schedule 1 in the cases specified in the third column of that table.
- The dictionary definition of 'possibility' most apt to your letter is: "a thing that may be chosen or done out of several possible alternatives." The dictionary definition of 'proposes' most apt to the Regulations is: "put forward (a plan or suggestion) for consideration by others." Plainly, Regulation 4 provides for statutory consultation where the Authority has properly considered all management measures (and, indeed, no measures at all) and has come to the view that a traffic order is necessary, and therefore 'proposes' such. Simply, your 'consultation' of 10 June is invalid as drafted and intended.
- In your letter of 21 August you say, "As clarification, the route is a highway and is used for the passage of vehicles although its legal status has not been determined by the Highway Authorities." Your power to make traffic orders comes from s.72 of the NERCA Act 2006: Traffic regulation on byways etc. in National Parks. After section 22B of the Road Traffic Regulation Act 1984 (c. 27) insert— "22BB Traffic regulation on byways etc. in National Parks in England and Wales. This section applies to a road — which is in a National Park in England or Wales, which is— (ii) a carriageway whose surface, or most of whose surface, does not consist of concrete, tarmacadam, coated roadstone or other prescribed material,
- You will see that I have emphasised the words 'is', and 'carriageway'. You say that the unclassified road at Washgates has an uncertain status. If that is the case then you have no power to make a traffic order on the basis that the road may be a carriageway. Is a carriageway = you have jurisdiction. May be a carriageway = you have no jurisdiction.
- In your letter of 21 August you say, "However, a section of the route in Staffordshire is a public footpath which is on their Definitive Map and Statement." Are you sure? Have you looked closely at Staffordshire's definitive map and statement? From what our local contacts have established last week, it seems that FP 10 does not run along the unclassified road to the river crossing, but rather runs between termini on county roads. Can you please confirm that you personally checked the information you gave with SCC, and copy to me the documentation they gave you to confirm your view?
- Respectfully ask you to tell all parties to whom you sent the 'consultation' that it is not in accordance with statute, and that the matter is being taken back for further work. We should, as always, be pleased to assist you to find a fair and balanced management package for this route.

**Natural England** - The route under consideration is closely sited to the Colshaw Pastures Site of Special Scientific Interest (SSSI). The proposed traffic order will not directly affect the notified interest as it lies out with the SSSI. However, restricting the vehicle usage on this section of PROW would reduce the risk of potential 3rd party damage to the site and therefore Natural England would be supportive of the proposal.

#### **Friends of the Peak District -**

- Welcomes the National Park Authority's consultation on the future of recreational motorised vehicular use of Washgate. We have, since the launch of our Take Back the Tracks campaign, lobbied both the National Park Authority and Derbyshire County Council (DCC, the Highway Authority) to protect Washgate from the damage and disturbance caused by motorised vehicle use.
- Given the sensitivity of the historic quality of the route, the conflict between recreational motorised vehicle users (RMVUs) and other users, and the damage caused by RMVUs, FPD believe that a permanent TRO restricting all RMVUs on Washgate between Leycote in the east and Tenterhill in the west is the most expedient method of protecting the environment and public amenity.
- Within the White Peak Washgate provides a tranquil intimate walk that descends steeply on both sides of the River Dove to cross it through a particularly distinctive and charming ford

and on a Grade 2 listed pack horse bridge. At 4feet 6inches wide, the packhorse bridge is particularly vulnerable to RMVU use and its setting is marred by signage warning of a width restriction. The lane both sides of the river used to be stone pitched but has suffered severe damage (see Mark Richards website [www.markrichards.info/walk-free/peak-park-and-stride/the-southern-dales-1-16/13-washgate-bridge-and-hollins-hill.html](http://www.markrichards.info/walk-free/peak-park-and-stride/the-southern-dales-1-16/13-washgate-bridge-and-hollins-hill.html)), although recently the setts have been partially restored. Flower rich verges add to the pleasure of the walk.

- Walking west between Washgate bridge and Tenterhill there are some low rocky steps beyond which the lane becomes muddy, rutted with standing water and narrowly enclosed between walls with high or no verges and flourishing vegetation. Washgate east of the bridge offers a narrow winding climb to Leycote. Above the repaired setts there are short ruts and several narrow sections with no verges. Whilst damage to the surface is in part the result of water run-off, the clear evidence of motorbike use and its impacts indicates that such use is a significant factor.
- In 2007, based on the Authority's well tested methodology to assess sustainability of use of green lanes, Washgate scored 14/15 showing that use of the route by RMVUs could not be sustained. In May 2011 DCC decided to make a permanent TRO restricting all vehicles over 1m wide but did not proceed to publish a formal notification of the proposal for making the TRO. Hence no TRO exists on the lane. However boulders at either end of Washgate and at the ford have effected a width restriction since a temporary TRO for repairs in 2008-2009. Vehicle logging during the winter of 2015 confirms that significant numbers of motorbikes, but no 4x4s, continue to use the route particularly at weekends<sup>1</sup>. This creates conflict and safety issues with other users, deterring some from using the route, destroys the surface of the lane and
- impairs the tranquillity of the route.
- DEFRA Guidance for National Park Authorities making TROs accompanies the 2007 regulations and identifies the eight grounds for making a TRO on a route as a) avoiding danger or the likelihood of danger; b) preventing damage to a road; c) facilitating the passage on the road (including pedestrians); 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 horseback or on foot; f) preserving or improving amenities of the area; g) for air quality; and h) conserving the natural beauty of the area, or affording better opportunities for the public to enjoy the amenities of the area.
- We believe that a permanent TRO meets seven of the above eight grounds (we have no evidence for air quality) for making a TRO.
- Landscapes within National Parks are afforded the highest level of protection and use of Washgate by RMVUs conflicts with National Park statutory purposes which are: to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks; and to promote opportunities for the understanding and enjoyment of the special qualities [of the Parks] by the public.
- The Defra guidance (page 6) is clear that outdoor recreation experiences within a National Park should enable people to enjoy the special qualities of the area such as scenic beauty and peacefulness, and not detract from the enjoyment of the area by others i.e. quiet outdoor recreation.
- The distinctive intimate character of the route makes it unsuitable for use by noisy trail bikes which create conflict and safety issues with other users, destroy the surface of the lane and impair enjoyment of its special qualities by other users. Indeed trail bikes may deter some from using Washgate. The narrowness of the lane with poor sightlines creates a danger for walkers, cyclists and horse riders who meet a RMVU. In places there are no refuges at all.
- Although the distinctive historic quality of the lane is being restored continued use by RMVUs will destroy the efforts to repair the setts and threaten the integrity of the packhorse bridge and ford, and the extent of the flower rich verges. As several paths converge at the packhorse bridge the route is part of a number of popular circular and through walks that are so important to the cultural heritage and amenity of the area. Removing RMVU rights would also allow all the clutter created by signage warning of the width restriction to be removed from around the ford and packhorse bridge, thereby enhancing the landscape.

- Believe the situation on Washgate justifies complete recreational vehicle restrictions and that only a permanent TRO would expediently deliver seven of the eight grounds for making such an order and fulfil National Park statutory purposes. We therefore urge the National Park Authority to consult on a permanent TRO on Washgate.

Supplemental - This has not altered what we wrote in our previous letter of 6th July that a permanent TRO restricting all recreational motorised vehicle use on Washgate between Leycote in the east and Tenterhill in the west is the most expedient method of protecting the environment and public amenity. However, we are concerned that if there is no TRO in force on Washgate then the obstructing stones are illegal. Since the legal status of the route is unknown, removal of the stones would make the route usable by 4x4 vehicles again. Such use severely damaged the route previously and led to the existing width restriction. If the route became usable again by 4x4 vehicles the ford, the Grade 2 listed pack horse bridge and the restored stone pitching would all be vulnerable to damage. In order to prevent such damage a temporary TRO should be urgently placed on the route to protect it. Defra guidance is explicit that TROs can be used to prevent damage from happening but the authority should be able to demonstrate a reasonable risk that the situation the TRO is intended to prevent would arise. The past history of damage on Washgate demonstrates this risk. We therefore urge the PDNPA to work in partnership with Derbyshire and Staffordshire County Councils to implement a temporary TRO to cover the period of the ongoing consultation on the future management of the route.

#### **National Farmers Union -**

- Have visited the Staffordshire end of the route and following consultation with members, we do not have an objection to that section of the route being opened provided that it is managed so that it doesn't deteriorate further. Our member feels that the route should be available for the public to enjoy and this means that it should be accessible to all users. On the Staffordshire side the highway is very steep and narrow and there is potential for conflict if it were open to a wide range of user groups. Therefore any future management should focus on reducing conflict between users and ensuring that it is safe for all user groups to enjoy.
- There is currently evidence of frequent use by motorbikes on the Staffordshire side as the route is partially open. This has led to widespread erosion and damage to the route surface with some very rutted and muddy sections. We would have concerns if the route were to deteriorate further. This erosion does present a risk to WFD status of the River Dove as sediments are washed into local watercourses. We would be concerned if a ford were to be opened up on the river Dove as this could encourage further use and result in additional damage and erosion. The eroded nature of the route means that it would be very attractive to 4 x 4 users and this may mean that there is a significant uplift in traffic if it were opened and consequently a very real risk of damage to the route and surrounding walls. Therefore if use is not restricted there must be a way of regulating traffic, managing the surface and drainage, reducing flood risk and facilitating ongoing repairs to damage in order to reduce the challenge to 4x4s.

#### **Trail Riders Fellowship –**

- Welcome efforts on the part of the Peak District National Park Authority (PDNPA) to engage with user organisations, and are pleased to note that the consultation letter invites suggestions for variations of, or alternatives to, a traffic regulation order (TRO).
- Disappointed that this exercise is being initiated under the umbrella of a prescribed TRO process, which is not intended or suitable to be used to consult on such a broad basis. A fair and proper preliminary TRO consultation requires that the consultees are provided with sufficient information upon which to formulate a response. As a bare minimum the general nature of the proposed TRO should be set out, together with the reasons for proposing it. The current exercise leaves consultees speculating as to what the form of TRO is and likewise as to the PDNPA's reasons. It appears that the consultation is not a TRO consultation in the statutory context, but a consultation which seeks to canvass views on how the road could be better managed, if indeed it requires better management.

- The questions that PDNPA presents can be properly accommodated by a non-statutory consultation, which would also be conducive to reducing adversity between the Authority and the users who continue to suffer as a result of unjust TRO's.
- Has concerns that PDNPA is acting beyond its powers by utilising a statutory consultation process. National Park Authorities are only empowered to interfere with the Highway Authorities' roads in very narrow circumstances, those being: where the road is recorded on the Definitive Map, or; where the road is definitely a carriageway and has a surface that is of a prescribed description, and; where no relevant TRO is in force.
- Washgate Lane is not recorded on the Definitive Map and is not subject to a relevant TRO, it does have a road surface that would appear to fit in the prescribed description. It follows that PDNPA could exercise TRO powers (which include the power to consult under regulation 4) if the road is definitely a carriageway. The legislation does not provide for National Park Authorities' to interfere with roads that *might* be carriageways. I have asked to be provided with clarification on this point in order to be able to provide a properly informed response to this consultation. PDNPA have declined to provide their opinion as to the question of whether the road is a carriageway or otherwise. In the absence of this information being provided, the TRF can only speculate on the basis of the PDNPA's reports and action plans which resolve to clarify the status of the road and deny that part of it is a highway.
- Assume that the PDNPA have proceeded to exercise powers on a belief that Washgate lane isn't entirely a highway and that it might be a carriageway. PDNPA does not have the power to do this. Highway Authorities can, and do, utilise TRO's on non-highways and roads that might be carriageways. It is for this reason that Highway Authorities should be involved in meetings with user groups and PDNPA in which the improvement of the green road network can be facilitated. PDNPA are well placed to facilitate such progress and would have the TRF's support should they choose to action this.
- For the aforementioned reasons, are of the opinion that engaging in this consultation, within a statutory context, is not in the public interest. Accordingly, decline to provide answers to the questions set out in the consultation letter.

**Peak and Northern Footpaths Society** – supports the making of a TRO to prevent all kinds of mechanically-propelled vehicles, except emergency vehicles & those with private rights, from using the Non-Classified Highway known as "Washgate". The TRO should be permanent, in both directions & extend the full length of the route between existing tarmac all-purpose roads. I used to walk this route regularly until the early 2000s & it was a delightful cobbled lane of great antiquity & historic interest. The unfettered use of it by recreational MPVs since then ruined it for all non-motorised users. Any repairs undertaken will not last if the use of the lane is not controlled to prevent further damage.

**Peak Horsepower** –believes that all motor vehicle traffic (other than for farm and emergency vehicle access) should be permanently prohibited from using Washgate at all times. Do not believe that there are any alternative effective or enforceable means of protecting this route from damage from recreational motor vehicles or which will render it safe for horse riders.

- Understand that there is currently a DCC TRO on Washgate designed to protect the ancient packhorse bridge from use by vehicles over a specified width. This has had the effect of excluding 4x4s from the route. The DCC TRO does not exclude motor bikes. Nor does it exclude quad bikes, which present to horse riders the same danger as motor bikes and, like motor bikes, continue to damage the surface of the route. Our understanding of highway law is that it currently precludes more than one TRO being on the same route at the same time. If PDNPA decides to proceed to a TRO which will achieve the exclusion of all types of motor vehicle from Washgate, we think it will need either to draw up a TRO which aligns with the existing DCC TRO excluding 4x4s, or it will need to ask DCC to lift its current TRO. Believe that six of the legal grounds on which PDNPA can make TROs apply to Washgate:
- 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' - Washgate used to be a route easily and safely used by horse riders. It had a decent surface throughout its length.

Since recreational motor vehicles began to use it much of the surface has become dangerous. A horse can easily fall in ruts and on bare rock, injuring itself and its rider, and it risks being lamed on surfaces which are large, rough rocks and stones.

- The route is narrow and enclosed. There is nowhere for a horse and rider to get out of the way of oncoming vehicles.
- There is insufficient room for a horse to pass or be passed safely by a 4x4, let alone a convoy of 4x4s.
- The route has unsighted bends. Motor bike and quad drivers often go round bends too fast for safety. They have no means of knowing what is around unsighted bends and due to their engine noise and use of helmets they cannot hear any warnings which horse riders may try to give. For these reasons there is a risk of collision on this route between horses and fast moving motorised trail and quad bikes.
- Horses are frightened by the noise, speed and sudden appearance of trail bikes and quad bikes. A frightened horse will panic, whip round and try to bolt. This can lead to serious accidents, particularly on a surface on which the horse can lose its footing and fall. There is high risk of such accidents on Washgate.
- To be useable safely and in its entirety by riders, the route needs repair, particularly on the Staffordshire side of the border, and we hope that PDNPA can persuade Staffordshire CC to carry out the necessary repairs. However, repair alone will not make Washgate safe for riders because the nature of the route makes it inherently dangerous for it be used by both riders and motor vehicles. Only a full TRO can make riders safe.
- TRO on grounds of 'preserving or improving the amenities of the area through which the road runs' and on the grounds of 'affording better opportunities for the public to enjoy the amenities of the area, or recreation...'
  - Use of Washgate by motor vehicles has led to the exclusion of horse riders from the route and so to the loss of an amenity with high value to horse riders. It is also curtailing the recreation opportunities for riders in the area.
  - The loss of amenity arises from riders choosing not to use the route due to fears over safety and their physical inability to use the route due to surface damage.
  - A local trekking centre run by a member of Peak Horsepower still uses the least damaged and dangerous part of Washgate but the centre says they are able to do so because they always go out in a group and that because they are in a group they can make vehicles give way to them. They say that an individual rider on the route would be very vulnerable.
  - They say that their horses are sturdy cobs which can cope with difficult surfaces. They say that riders with finer bred horses will not use such surfaces and that they do not consider that horses in general can cope with it.
  - Riders with valuable horses used for competitions or hunting will never use such surfaces.
  - The trekking centre says that their horses now have to jump up the large slab step which has been created on the route by motor vehicle damage and that it would be 'impossibly unsafe' to attempt to come down it on a horse.
  - The trekking centre says that parts of the route are so damaged and dangerous that they are impassable on a horse.
  - Know of no individual rider now prepared to risk using the route.
  - The trekking centre says that there can be up to 50 or 60 trail bikes at a time on the route when competitions are being held.
  - Washgate has the legal status of unclassified county road. Unless and until it is proved through the statutory Definitive Map Modification procedure that it has no right of way for horse-drawn vehicles, carriage drivers have the same legal right to use the route as any other user. The dangerous presence of motor vehicles on Washgate and the surface damage which has been caused by motor vehicles mean that at present no carriage driver can make use of an amenity which should be open to them.
- TRO on grounds of the character of the road: 'For preventing the use of the road by vehicular traffic or a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the character of the road'



- Washgate is an ancient paved pack horse route which is part of the historic fabric of the National Park. The surface of the route, including much of the historic pitched paving, has been destroyed or severely damaged by recreational motor vehicles. Some repairs have been done on parts of the route in the past but the repairs are already showing signs of new vehicle damage and other parts of the route are continuing to deteriorate. The extent of the damage which has been done to Washgate indicates that motor vehicles are being driven in a manner which is inherently unsuitable having regard to the character of the road.
- Understand that 4x4s are observing the DDC width restriction and are not now using the route and that the main users are motor bikes. There is evidence on the ground from motor bike tracks that motor bike use alone is damaging those sections of the route which have been recently repaired. Mention this as believe it is clear that motor bikes are being driven in manner which is unsuitable for the character of the road.
- Do not believe that the surface of Washgate can be engineered to support use by recreational motor vehicles without a permanent change in the character of the route.
- TRO on the grounds of 'facilitating the passage on the road or any other road of any class of traffic (including pedestrians)'
  - A TRO excluding motor vehicles will facilitate the passage not just of horse riders but of all classes of non-motor vehicle user. Non-vehicle users are currently either deterred from using Washgate (cyclists and pedestrians) or, in the case of most horse riders and all carriage drivers, they are prevented from using it altogether. A TRO plus repairs will enable and facilitate the passage of all non-vehicle users, including carriage drivers.
- TRO on the grounds of Washgate being 'specially suitable for use by persons on horseback'
  - The Leycote/Longnor/Hartington area is peculiarly ill-served with regard to bridleways and off-road riding routes. Unsurfaced, unclassified roads such as Washgate are therefore particularly important to riders in the area and routes such as Washgate should be made safe for them to use.
  - Washgate is the only through off-road route connecting riders with, and giving them access to, either side of the Hollinsclough valley and as such is of special importance to them.
- TRO on the grounds of 'conserving or enhancing the natural beauty of the area'
  - Peak Horsepower's overriding concern is safety and access for horse riders and these concerns form the basis of our response to this consultation, but our members also value highly the privilege of being able to live and ride amidst the beauties of the National Park. We therefore support the making of a TRO on Washgate on the grounds of conserving and enhancing the natural beauty of the area.
  - The route passes through a SSSI.
  - The Staffordshire Wildlife Trust has identified over 100 species of flora growing on the verges of Washgate.
  - Exclusion of all recreational mechanically propelled vehicles from Washgate will eliminate intrusive loud noise and prevent further damage to the surface of the track and to its verges, banks, flora and retaining walls. All of these are part of the landscape and natural beauty of the National Park which PDNPA has a statutory duty to protect.

#### Supplemental

- Suggestion that Washgate is part footpath
  - You say in your letter that part of the route is a footpath (FP). Do not believe that this information is correct. Our researcher, an expert on rights of way, has examined historic documents relating to Washgate and its connecting routes and advises that there is no historic evidence for any part of the route being FP. The same documents should be available to the highway authority. Nor is there any signage on the ground to indicate that part is FP.
  - Should Staffordshire County Council (SCC) wish to suggest that part of the route is FP, and should it wish to try to add part of Washgate to the Definitive Map (DM) of rights of way as FP, SCC will need to go through the statutory Definitive Map Modification Order (DMMO) process. This legal process cannot be short-circuited by a highway authority and

it typically takes some years, even in authorities which are actively processing their DM applications and have provided resources for their DM work.

- Understand that the SCC rights of way team has been reduced to one half-time post and that it is some time since that Authority has had the capacity to manage or progress its long list of outstanding DM Modification applications. Think it highly unlikely that SCC would have either the willingness or the capacity to determine what legal rights of way exist on its part of Washgate.
- Should SCC nonetheless find at some point in the future the resources to start a DM process for its part of Washgate, and should it as part of the necessary statutory process determine that part of the route is FP, Peak Horsepower will make a formal objection. A FP DMMO on any part of the route would exclude horse riders from using Washgate as a through route. We would challenge this as we believe we would be able to establish bridleway (BW) rights. Do not wish to be put in this position as an objection to a FP Order on our part will lead to a public inquiry and an unpredictable increase in the length of time it could take to deal with the alleged FP issue through the DMMO process. (Public inquiries into highway authority DM determinations typically take place up to several years after the highway authority's initial determination and Order.)
- Unless and until any part of Washgate goes onto the DM as either footpath, bridleway or restricted byway, that part of the route can continue to be used by motor vehicles.
- PDNPA has the power to put a TRO on any route which is on the definitive map or on any unsealed road not on the definitive map, regardless of its rights of way status. This includes highways on which the rights of way are currently unknown and which may or may not have latent but so far unproven FP or BW or motor vehicle rights. PDNPA put a TRO on the Roych at a time when this route was an Unsealed Unclassified Road on which the rights of way remained unknown and which continue to be unknown. Washgate is no different. It does not even have a DMMO application on it and as explained above it will take years for any DMMO to be processed and enacted.
- There is a pressing need to protect Washgate as quickly as possible - to prevent further damage, to protect the recent repairs, and to restore the whole route as an amenity for horse riders and other non-vehicle users. Believe that the possibility of part of the route being footpath is a) ill-founded and b) a distraction. PDNPA must not allow itself to be distracted. It should press on with a full TRO on the whole route as quickly as possible and make a decision to start the next round of consultation at the ARP committee at its meeting on 18 September as originally stated
- Derbyshire TRO/boulders
  - In original response to the consultation said that we thought there was a Derbyshire County Council TRO on part of the route which had created a width restriction. Your letter explains that this is not the case and that there is no TRO current on the route. This means that PDNPA will not have to deal with the complication of timing its own TRO (should it decide to use one) with the lifting of a DCC TRO, as it did for Long Causeway.
  - Urge PDNPA to liaise with Derbyshire CC to make sure that the boulders which currently prevent 4x4s and any other wide vehicles from damaging the pack horse bridge remain in place. Our understanding of the legal position is that unless and until motor vehicle rights are proven to exist via the statutory DM modification process, neither landowners nor highway authorities are legally obliged to remove any obstructions which may be preventing motor vehicle access.
  - PDNPA could also ask Derbyshire CC to put in place a temporary TRO with a width restriction which will protect the bridge, this TRO to remain in place until the outcome of PDNPA's own decision in the TRO process is known and implemented.

#### **Peak District Green Lanes Alliance –**

- Believe that the PDNPA should introduce a Traffic Regulation Order (TRO) banning all classes of motor vehicles on Washgate from travelling in both directions for all days of the year (with the normal exemptions for emergency vehicles, agricultural vehicles etc.) The reasons that PDNPA should adopt this approach are given in our response. Have also detailed why believe that other approaches would be unsuitable.

- Any TRO will need to be worded to ensure that access is maintained for the inhabitants and visitors of both Leycote and Booth Farm from the eastern end of Washgate. This could be achieved either by the wording of the exemption or by changing the starting point of any TRO.
- The status of Washgate is not known. It is currently shown as an ORPA on the OS maps and is on the List of Streets. The PDNPA Route Summary says that it is understood that there are no public vehicular rights over the ford. There are no suitable turning places on the Derbyshire side of the River Dove. Because of this, recommend that PDNPA should consider a width restriction for horse drawn carriage users to ensure that wide carriages do not damage the historic packhorse bridge (which is 4 foot 6 inches wide) over the River Dove or the ford. Do not have the expertise to say what an appropriate width restriction should be to minimise the risk of damage to the bridge.
- Understand that motorcycle trials use the route. It is possible that PDNPA may be asked to include an exemption in the TRO to allow these trials to continue. Urge PDNPA, if it decides to make an exemption for motorcycle trials, to ensure that such trials do not prejudice the grounds on which it makes any TRO. If PDNPA is minded to allow current, long established motorcycle trial(s) to continue, ask that any exemption is worded in a way that considers the future sustainability of the surface of the route and of the ford (if used). Do not think that PDNPA should allow any trials to use the route except established, historic trials (which are currently being run) organised by responsible organisations. Would not wish to see any new vehicle trials allowed on Washgate.
- Use of the route - The route is used by walkers, cyclists, some horse riders and recreational motor vehicle users (mainly motorcycles). PDNPA logging reported in the Route Summary shows that since at least 2010, the route has been used only by motorcycles and not 4 wheeled drive vehicles ([http://www.peakdistrict.gov.uk/\\_data/assets/pdf\\_file/0009/579474/RS1506-Washgate.pdf](http://www.peakdistrict.gov.uk/_data/assets/pdf_file/0009/579474/RS1506-Washgate.pdf)) with use highest at weekends. Logging does not detect non vehicle users. Some horse riders are deterred from using the route because of the perceived danger of meeting motorcycles in the narrow sections on both sides of the River Dove. The whole route is still used by some more skilled and experienced horse riders who feel competent to cope with the surface and are prepared to encounter motorcycles.
- Repairs to the route - The route was closed to all motor vehicles by a Temporary TRO between April 2008 and May 2009 for urgent repairs by DCC. During this period the surface started to solidify and vegetation grew holding it together. After the route was reopened to motorcycles the surface became looser once more. Where DCC laid a surfacing material called “top track” motor bikes tended to develop grooves in it which led to rain water washing it away. On a site visit on 5 January 2012 it was seen that there was much loose material on the track and that nearly all of the “top track” had disappeared. On the line used by motor bikes there was no vegetation. This evidence suggests that motor bikes are damaging Washgate. PPCV volunteers have since repaired part of the setts/paving/pitching on the descent to the River Dove on the Derbyshire side of the route.
- Motorcycle Trials - We understand that motorcycle trails have been using Washgate for many years. The programme for the most recent Bemrose trial on Sunday 8 March 2015 gives a potential start list of 150 competitors, although the results show that only 93 actually did the Washgate section. These numbers compare with a total of 195 motorcycles logged in the 85 days from 21 Nov 2014 to 13 Feb 2015 (reported in the PDNPA Route Summary.) Suspect that this volume of one use on one day could cause damage and may also result in conflict with other users.
- Reasons why we believe regulation of recreational motor vehicle use by a Traffic Regulation Order can be justified.
- 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”
  - Noise - the noise made by revving motorcycle engines frightens some horses.
  - Width - The narrow enclosed nature of the steep section of the route on the Derbyshire side means there are potential conflicts between motor vehicle users and other users.

DCC's report (2011) on a possible TRO says that this part of the route "is barely wide enough to accommodate a single 4x4 vehicle of usual (1.8m) width". The narrow width of the packhorse bridge (Grade II listed) means that it is unsuitable for use by wide vehicles. Have elaborated more fully on this. This is why we would support a width restriction on wider horse drawn carriage users.

- The path on the Staffordshire side of the route is also narrow. This again could lead to a conflict between vehicle users and non vehicle users.
- Sightlines - There are problems with visibility in the walled section of the Derbyshire descent to the River Dove. Vehicle users can not see what lies ahead and therefore may be encouraged to go too fast.
- Steepness - The route descends steeply to the River Dove on both sides of the river. Vehicle speeds often increase on steep downhills. Increased speed means increased stopping distances. Steep uphill often result in increased revving and wheel spin which can damage the surface. Dangerous surface - The surface on the Staffordshire part of the route is in poor condition as the route climbs from the River Dove. There are deeply eroded steps. Very uneven surfaces increase the risk of stumbling and falling for all non vehicle users. Believe that continuing use of this section of the route by recreational motor vehicle users (RMVU) will increase the rate of erosion and hence the risk associated with dangerous surfaces.
- For preventing damage to the road or to any building on or near the road
  - Local residents remember there being setts/paving/pitching on both sides of the river to make the descent and ascent easier for pack horses. The paving on the Staffordshire side has nearly completely disappeared in living memory. The original paving has been virtually destroyed on the Derbyshire side.
  - Dodd and Dodd "Peakland Roads and Trackways" shows a photograph taken in 1972 of the undamaged paving on the Derbyshire side (Page 87 of the Third edition).
  - Mark Richard "White Peak Walks" includes a drawing of the undamaged pitching in the 1988 edition. The Second Edition published in 2009 refers to the subsequent damage on both sides of the river.
  - PPCV volunteers are still repairing the paving on the Derbyshire side and the repaired paving will inevitably suffer the same fate if motor vehicles are allowed to continue using the route. There are two causes of erosion, vehicles and water, but vehicles are the initiating cause. Skid marks on the stones are evidence of the forces exerted on paving stones by vehicle wheels, by power applied on ascent and by braking on descent. This loosens the stones, allowing water to get in and wash them out.
  - A TRO would protect these repairs from further damage by motor vehicles and enable visitors to see the route as it was in historic times and up to the 1980s.
  - See also comments under the heading of "Repairs". We believe that the earlier repairs carried out by DCC were damaged by the continued use of the route by motor cycles.
  - The packhorse bridge (Grade 2 listed) is narrow (4 foot 6 inches or 1.3 metres wide.) There is no turning place on the Derbyshire side near the bridge. As explained in the "Summary", PDNPA and DCC understand that there are no public vehicle rights at the ford. If this is correct, a TRO is needed to protect the bridge. Believe that this can be best achieved by banning all recreational 4 wheel drive vehicles from Washgate via a TRO. Believe that it will be necessary to restrict the width of horse drawn carriages able to use the route. Do not have the expertise to say what an appropriate width restriction for horse drawn carriages would be to protect the bridge but intuitively something of the order of a metre would seem appropriate.
  - As described earlier under "Dangerous surface", the surface of the ascent from the river on the Staffordshire side is poor and a TRO would help protect the "steps" from further damage by motorcycles and conserve the small remaining areas of paving.
- For facilitating the passage on the road or any other road of any class of traffic (including pedestrians)
  - This route is valuable to walkers, horse riders and cyclists as it is a through route in its own right and joins other public footpaths and a bridleway at the bridge. If recreational

- motor vehicle users no longer had access to this route, it would benefit these non-vehicle users and facilitate their passage.
- Some horse riders no longer use the route because of concerns of meeting motor cycles on the narrow and steep sections. Effectively some horse riders are being denied access to Washgate. A TRO would encourage those horse riders whose horses could cope with the damage on the Staffordshire part of the route to return to using it.
  - One of the special qualities of the Peak District National Park is the “Opportunities for outdoor recreation and adventure”. According to DEFRA, recreation in this context “suggests a focus on quiet outdoor countryside recreation, associated with the wide open spaces, wildness and tranquillity to be found within the National Parks.” A TRO would help all non vehicle users experience this tranquillity on Washgate and further restrict recreational motor vehicles, whose presence is inappropriate for a National Park and extremely damaging on unsurfaced routes.
  - 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
    - Believe that it is important to protect the historic character of this route and prevent damage to the packhorse bridge and the repaired setts/paving/pitching. Believe that continuing to allow recreational motor vehicles to use the route could result in the historic character being destroyed for the reasons given.
  - For preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot
    - Local riding stables used to use the route with both adults and children. The deterioration of the surface and the fear of meeting motorcycles on the narrow, sunken sections has deterred all but extremely competent horse riders with placid mounts from using the route. A TRO would encourage other horse riders to start re-using the route and would also allow all non-vehicle users to experience its original character.
  - 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. Have used this information to guide our response in this section.
    - Natural Heritage Features - Appendix 1 of the PDNPA Route Summary details ecological surveys carried out by PDNPA in 2008 and 2015. Attach as part of our submission a copy of a Staffordshire Wildlife Trust survey of the route which lists all the flowers and birds seen when they visited. The verges of the route are species rich. Believe the plant life along the route is at threat from motorcyclists driving on those verges. There is evidence of off-piste activity on the verges near Leycote. Recent press reports have highlighted the importance of verges for plants. One of the special qualities of the Peak District National Park is the “Importance of wildlife and the area’s unique biodiversity.”
    - Off piste activity damaging the ford -\_It is understood that there are no vehicle rights at the ford beside the packhorse bridge. Vehicles have used the ford and damaged the banks. This damage is visually intrusive degrading the amenity of the location and the setting of the packhorse bridge and may also be detrimental to the river ecology (DCC report on possible TRO, 2011). In addition, visually intrusive boulders and signs have been placed in the area by the Highway Authority to reduce future damage. A TRO would mean the boulders and signs could be removed and in time, the damage to the river banks might heal. It is clear from ride reports and videos posted on the internet that many

- motorcyclists use the ford, indicating that recent vehicular damage to the banks is due to motorcycles, not 4x4 vehicles.
- Cultural Heritage Features - Appendix 2 of the PDNPA Route Summary describes the history of field enclosure in the area. Enclosures have formed the network of stone walled fields in the National Park. Dodd and Dodd describes the packhorse routes in the Upper Dove and Manifold Valleys in Section 5.7 of “Peakland Road and Trackways.” They describe how the route forms part of the network of packhorse routes in that area. They also describe the packhorse bridge (Grade II listed) and the paved packhorse way (largely destroyed at the time the third edition was published but now being restored on the Derbyshire side by volunteers.) See also this submission which gives more detail of the damage to the surface of the track and the potential for damage to the bridge. One of the special qualities of the Peak District National Park is the “Thousands of years of human influence which can be traced through the landscape.” The walls beside the track, as well as the packhorse route itself, are part of the cultural heritage. On other routes, dry stone walls have been destroyed by RMVUs (either by collisions or by removing coping and other stones near very muddy stretches to fill in hollows). Stone walls are mentioned in the special qualities of the National Park. Believe that a TRO would help preserve this cultural landscape for future generations.
  - Landscape Quality and Scenic Quality - The route falls within the South West Landscape area. The overall impression of the route is of a mainly narrow sunken lane through pastoral farmland which descends steeply to the River Dove. The river area is particularly attractive. In places there are extensive views of the upland areas to the east and west of the River Dove. The Peak District National Park has many varied landscape types. Washgate illustrates a beautiful pastoral landscape around a steeply incised river valley.
  - Tranquillity - “Opportunities to experience tranquillity and quiet enjoyment” are one of the special qualities of the National Park. This part of the National Park is far from major roads and is relatively isolated with scattered farms rather than villages close together. Without the noise of motorcycles, it would be a most tranquil area.
  - Value of the route to non vehicle users as an amenity and for recreation - Four footpaths, one bridleway and Washgate converge on the bridge over the River Dove. This means that Washgate can be used as a through route or to access other paths. There is an extensive network of paths for walkers in the general area. There is also the potential for horse riders and cyclists to create a number of routes using Washgate.
  - Believe that all the reasons given above support a TRO under the Road Traffic Regulation Act 1984 Section 1 (f) and Section 22 (2).
  - Other Options Other than a Full TRO - have considered other possible options for managing recreational motor vehicle use on Washgate and have briefly given our reasons why we believe they would be inadequate.
  - Voluntary Restraint - Voluntary agreements suffer from the defect that many vehicle users are not members of recognised organisations; even members of these organisations may not abide by them; and the organisations themselves have no effective sanction over their members. There are no sanctions against users who deliberately ignore voluntary restraint. DEFRA recognises this in “Making the Best of Byways” December 2005 page 26 “Discussions with authorities when drafting this guide indicate that voluntary restraint is widely seen as ineffective in managing mechanically propelled vehicle use of byways.” However DEFRA goes on to conclude “Voluntary restraint can be a useful tool for management of byways where reductions in mechanically propelled vehicle traffic is desirable but not where the prohibition of mechanically propelled vehicles is agreed to be necessary.” Do not believe a simple reduction in use of vehicle traffic is the solution to the problems on Washgate. Experience of voluntary restraint on The Roych and Minninglow Lane (both in the Peak District National Park) suggests that the lack of sanctions results in a significant minority of recreational motor vehicle users ignoring them. Have observed this behaviour mirrored in other areas of the country – both in National Parks and outside. Therefore would not advocate a voluntary agreement on Washgate.
  - Partial Traffic Regulation Orders By Class of user or width - 4x4s, being wider, make it harder for other users to pass them and cause more damage. However, motorcycles generally drive

much faster, and often in larger groups. Excessive revving of their engines can cause wheel spin and on unconsolidated surfaces can throw-off large quantities of earth, so the erosive effect may not be much less. The noise of motorcycles is more intrusive. Tranquillity is an important character of a National Park. Horses are frightened by the noise of motorcycles but not by the noise of 4x4s. Motorcycles are thus more likely to cause danger to horse riders. Do not believe that banning only one class of recreational motor vehicle user would be sufficient to resolve the problems of Washgate. However, do believe that PDNPA should consider a width restriction for horse drawn carriages.

- Seasonal Restriction - A seasonal restriction is unlikely to protect Washgate from further damage to the surface. Generally seasonal restrictions are in the winter when other use is lower anyway. Seasonal TROs have been used by Highway Authorities in other parts of the country to protect unsealed and unsurfaced routes on heavy clay soils which are vulnerable to damage during wet weather. Increasingly, these HAs are having to extend these TROs to cover other periods at their discretion. Moreover seasonal restrictions do nothing to counter danger, loss of amenity etc. to other users when they are not operative.
- Time Restriction - Banning night time use, would not deal with the loss of amenity to other users during the day time when recreational use is greatest. Do not believe a TRO applying at weekends only would be sufficient.
- One way system - A one way system may not reduce the volume of recreational motor vehicle use on Washgate. In addition horse riders believe that one way systems increase the danger to them because vehicles, particularly motorcycles, may travel faster on a one way system even approaching blind summits and bends.
- A Permit System - A permit system would cause additional administration for PDNPA and would involve adding additional gates to the route (which would need permission from the Highway Authorities). Evidence received from contacts in the Lake District where the Lake District National Park use a permit system on one route, suggests that more vehicles use the route than have been authorised and that the code for the combination lock is passed between vehicle users. Therefore do not believe that a permit system would be effective.
- Alternative Routes for a Recreational Motor Vehicle Users if a Full TRO were imposed - The alternative routes on sealed and surfaced roads from Booth Farm to Tenterhill are considerably longer. A full TRO banning recreational motor vehicle users from using Washgate would deprive them of the opportunity to drive on this unsealed and partially unsurfaced route and to test their driving skills on the "steps". However, on balance believe that other users (walkers and cyclists and hopefully more horse riders if the Staffordshire part of the route were to be repaired) would best be served by a full TRO on this route. The loss of amenity to recreational motor vehicle users is outweighed by the gain in safety, amenity and opportunities for outdoor recreation for other users; by the preservation of this historic route; and by expediting the healing of the route.

Supplemental - Do not wish to alter anything in the body of our report but wish to add these additional paragraphs to our summary:

- Do not believe that the PDNPA TRO consultations and the considerations by the ARP Committee should be halted whilst the status of all or any part of the route is determined. Would like to see the ARP Committee reaching a decision on a TRO at its meeting on 18 September 2015 as originally planned.
- Believe the clarification that there is no existing TRO on the route will lead to a request being made to either or both of Derbyshire County Council and Staffordshire County Council to remove the boulders (that effectively prevent wider vehicles using the route) and the signs that imply there is a width restriction on Washgate. If either or both of these Highway Authorities decide that such a request must be complied with, then PDNPA should liaise with Derbyshire County Council and Staffordshire County Council with a view to placing a Temporary Traffic Regulation Order (TTRO) on Washgate. If neither County Council will do this, then PDNPA should place the TTRO itself. The purpose of the TTRO would be to prevent serious damage to the route by wider vehicles and/or the likelihood of danger to the public, while the TRO consultation is in progress. Evidence for supporting such a TTRO is

contained in the body of our original submission where we have discussed the effect of 4x4 vehicle use on the route.

- Note the clarification that the status of the route has not been determined by the relevant Highway Authorities and that a “section of the route in Staffordshire is a public footpath which is on their Definitive Map and Statement.” Believe that this is a reference to Hollinsclough Footpath 10. We think there appears to be a discrepancy between the Definitive Map and accompanying Statement for this footpath. If the information about a section of the route being a public footpath came from Staffordshire County Council, we believe that PDNPA should ask SCC why it has not put up signs on this part of the route indicating its footpath status and warning motor vehicle users that use is therefore an offence under section 34 Road Traffic Act 1988. If this information came from some other source, SCC should be asked to verify it, as this will affect the duration of any TTRO.
- We do not believe that the status of any part of the route should alter the scope of a TRO on Washgate. We believe that it would be preferable (and simpler for users to understand and the Police to enforce) to place a TRO on the whole of the route rather than distinguish between different portions of the route, as the arguments in favour of a TRO apply to all of the route. The ability of PDNPA to place a TRO on the whole of the route is not compromised if part of the route is shown as a footpath on the Definitive Map and Statement.

**Green Lanes Association** - minded to oppose any permanent TRO on the Washgates route, there are issues of management which need attention before any such proposal should be made by the PDNPA.

- Your letter dated 21<sup>st</sup> August contains inaccuracies regarding the route and is considered misleading. Staffordshire CC have confirmed to us that FP10 doesn't run alongside or over Golling Gate, FP10 terminates at a midpoint of Golling Gate. Debbie Bailey, Land Charges dept. in Stafford has reported a discrepancy in their online map showing Golling Gate, D1026, terminating 20 metres short of the River Dove. Their archive paper map, dated 1922, shows Golling Gate terminating at the river.
- It is evident from the alignment of the Derbyshire and Staffordshire elements of the Washgates route that the ford was/is an integral part of the highway, and the 1.5m wide bridge (which has been used as an excuse by the Authorities to illegally block the rest of the route with boulders and standing stones) is offset from the ford, thus forcing a short detour from the original track. This would not therefore have been the original route for horses and carts which would have used the ford before (and no doubt after) the bridge was built.
- It is true that 4x4s have not used the route since boulders and signs were installed, but legally the blue road signs have no status as the boulder obstruction has no supporting TRO and no other legal basis. The fact that there are blue road signs does however indicate that the route has vehicular rights, or the highway authority would not have erected such signs to advise limited vehicle width.
- Believe that other management arrangements could be considered for this route, such as clearance of the obstructing vegetation along the route and removal of the illegal rock blockages, and restoration of the original width of the route. Instead of a TRO a voluntary restraint scheme could be agreed with LARA and the user groups which could restrict the size and/or weight of vehicles.
- With regard to the PDNPA aims of protecting the 'natural beauty' of the area, the large blue road sign should be removed from the vicinity of the bridge, as it is an eyesore and not legal. The bridge and its environs are not enhanced by such signs, or the artificial obstructions in the highway and the river ford.

#### **Association of Peak Trail Riders**

- Use - this particular route is of significant value to motorcycle trail riders, yet of little value by comparison to other users. It is key in many ways to a route used by many experienced riders. This lane is well known to trail riders all over the country and many come to ride this particular lane as part of a Peak District riding experience. To close it to motorcycles would



be closing a major attraction to tourism. The damage to local business and tourism in general would be devastating. As such, any closure or restriction to this lane could be considered as sabotage to local businesses and a demonstration of a possible anti motorcycle agenda by the authority since once again following similar closures and consultations it is only motor vehicles and motorcycles rather than any other user that the authority is considering to impose restrictions by way of a TRO order.

- Should it be used ? - it should be used. Strongly recommend this that this lane be left open to all users including motorcycles. It does not appear to us be in the general public interest not to use this lane for the reasons explained above.
- Alternative - As this lane is used in both directions regularly, in all seasons of the year do not recognise any alternative other than the status of open to all users and motorcycle traffic at all times and in both directions.
- Observation evidence - the route is mostly made up of rocky terrain especially on the climb in or out ward from the river section in both directions. Having visited the lane in question on the 20th of June 2015 could not find any visual evidence of tyre marks or tread pattern imprinted on any area of the rock section in either directions which shows the lane can sustain many years of usage. On the date I visited I did not see evidence of long term damage (so called) apparent to the hard surface areas of the route that could have been caused by motorcycles. The entry point from the Golling Gate end has an overgrown single track path at times with a mixed surface of soil and rock. which was much wider in past years. Without regular vehicle use to this particular part would suggest this part would soon become overgrown so therefore requiring maintenance to sustain access by foot in the long term. Feel access by motorcycles is actually assisting with the preservation of natural access for all users at this particular approach to the lane.
- Have made a short film that illustrates the cause of erosion on the Washgate lane. This film forms part of our submission and can be viewed by following this link: [https://youtu.be/-xyO\\_igmVfU](https://youtu.be/-xyO_igmVfU)
- As with all categories of trails, footpath, bridleway, byway or 'unclassified county road' the natural process of water erosion, assisted by frost action damages even the strongest surface. The key factors being steepness of slope, lack of water breaks and un-maintained / poor drainage. In the Washgate example the process is proven due to the flat sections at each end having an un-eroded base, the steep slope sections being mostly clear of loose rocks and debris, and the lower sections approaching the river being strewn with large debris fields of boulders.