

FAO: Allison Thomas, Service Director – Transport and Environment
Cllr Dean Collins, Cabinet Member – Highways, Transport and Infrastructure
Cllr Paul Dunn, Deputy Cabinet Member, Highways, Transport and Infrastructure
Cllr John Owen Deputy Cabinet Member, Highways, Transport and Infrastructure
Cllr Simon Spencer

Sunday, 05 July 2015

Councillors, Service Director,

Enclosed is a Peak District MTB response to the Report of the Strategic Director – Economy, Transport and Environment which will be discussed at the meeting of Cabinet Member – Highways, Transport and Infrastructure on Tuesday 7th July.

The report you will be presented is grossly misleading, selective in its presentation of responses and wholly misrepresentative of the consultation 'exercise' which has taken place over the past eight months.

In these pages we have attempted to correct, fully explain and provide context around the points raised in the Officer's report. At all times we have endeavoured to be open, democratic and transparent in our approach – even when comments and responses haven't fully supported our own position.

We believe that as elected representatives, you should be provided with a comprehensive understanding of the situation at hand before you are asked to make a decision – especially a decision which will result in expenditure in a time of cuts to the most sensitive of services.

We do not believe that the report you will be presented with at the meeting on Tuesday provides this clarity. To the contrary, we believe that the report you will be presented provides such a skewed interpretation of fact that any decision you take will have been taken upon a false or – at best – ill-informed understanding of events.

In essence, we are concerned by

- The misrepresentation of and failure to respond to the concerns of consulted stakeholders
- The high costs of this and similar works to the taxpayer given the major cuts of services DCC is facing
- The setting of inappropriately high standards for resurfacing by continuing to consider it a highway despite it only being accessible to non-motorised vehicles
- DCC's justifying the need for the works to improve disability access despite failing to consult expert local disability access groups and properly consider the facilities required to ensure access
- The poorly designed plans for future consultation on similar routes to avoid this unpleasant situation arising again.

Peak District MTB may have acted as the lead in discussions with DCC, but our concerns are shared by Ride Sheffield, Keeper Of The Peak, the Peak District National Park Authority, the British Mountaineering Council, the Rucksack Club, the Friends of the Peak District, Natural England, Andrew Bingham MP, Patrick McLoughlin MP and thousands of trail users.

We urge you to look in depth at the information here and the details held in the appendices before you make a decision and ask your officers how they can justify such a grossly misleading interpretation of the facts at hand.

We are more than happy to discuss any of the points raised here with you at any time.

Regards,

Peak District MTB





Response to Derbyshire County Council report

“Repairs to Chapel-En-le-Frith Byway Open to All Traffic 144 – Chapel Gate”



Background

Derbyshire County Council (DCC) Highways Agency has produced a report for Councillor Dean Collins and the Highways cabinet regarding the previous and proposed resurfacing of Chapel Gate/Rushup Edge¹. PDMTB are pleased that after a significant delay - during which time the route has been closed to bicycles and horse riders - DCC have finally reported back.

We hope that this signifies a swift closure to this issue, re-opening up the route in a suitable condition with minimal expense and time delay and setting a precedent for more cost effective, sensitive and sustainable repairs to similar routes in the future.

We are, however, concerned by a number of issues contained in this report. To summarise, we are concerned by

- The misrepresentation of and failure to respond to the concerns of consulted stakeholders
- The extremely high costs of this and similar works to the taxpayer given the major cuts of services DCC is facing
- The setting of inappropriately high standards for resurfacing by continuing to consider it a highway despite it only being accessible to non-motorised vehicles
- DCC's justifying the need for the works to improve disability access despite failing to consult expert local disability access groups and properly consider the facilities required to ensure access
- The poorly designed plans for future consultation on similar routes to avoid this unpleasant situation arising again.

Cost of the works to the taxpayer

The majority of stakeholders consulted expressed concerns regarding the high costs of these works, in a time of severe cuts to services and yet the report fails to communicate to the elected members either the extent of these costs or the stakeholders concerns. It appears that there continues to be no oversight into these costs and this has resulted in unrestrained and unnecessary spending.

The excessive expenditure in the face of austerity

Large sums of money have already been spent on maintaining unsurfaced routes in Derbyshire, which, in total represent less than 0.5% non-road public right of way network² (PDMTB estimate the cost in the last few years is close to £500 000). There are many more rights of way in a similar condition in Derbyshire and we are concerned that this excessive expenditure will continue without restraint. These figures are in stark contrast to the severe cuts to services for the most vulnerable members of our society: children's service, social care and public health. In this age of austerity, we believe that this level of expenditure, in an inappropriate attempt to maintain byways to the level of a public road is morally unacceptable.

The failure of the DCC report to address stakeholders concerns about cost

This report fails to communicate to the elected members the costs of the work and subsequent maintenance despite this being a major concern for most parties consulted and figures for expenditure on these routes reaching into the hundreds of thousands. Both elected representatives Councillor Jocelyn Street and the Right Hon Andrew Bingham MP requested further details. At present it appears the elected members have little influence on project expenditure. Peter White (DCC Highways officer) has stated that, when preparing for this type of work, he obtains the money prior to any work planning or consultation³ so once funding is agreed there appears to be no democratic oversight.

¹ This document refers mainly to section of right of way BOAT 144 Chapel Gate Chapel-en-le-Frith. To avoid confusion and to distinguish this BOAT 144 from Chapel Gate BOAT 16, Edale Parish we will refer to BOAT 144 as Rushup Edge and BOAT 16 as Chapel Gate.

² Derbyshire County Council Definitive Map and Statement 2013

³ Personal correspondence June 2015

These are some of the comments from stakeholders expressing their concerns:

“There appears to be a growing concern at the amount of money being spent on this project when there are repairs needed to the highway and paths in more populated areas which are not being undertaken due to budget restraints.” Chapel-en-le-Frith council

*“We are constantly being told that there is no money for the maintenance, repair and clearance of rural paths requiring relatively small sums of money to enhance people's lives yet substantial sums can be expended on works that nobody seems to want”.
Councillor Jocelyn Street*

“The money would be better spent on making gateways less of a danger/hazard as most of us riders have encountered an accident at one time or another. “

Dark Peak Bridleways Association

The lack of council oversight leading to unrestrained spending

The budget for this route was ratified by council members in the Green Lanes Action Plan 2013-2014⁴. It was specifically requested by council members to justify the costs of £140 000 to repair green lanes in the Dark Peak. This is a brief, two page document with only three sentences referring to this project, and it was presented to the council in November 2013, seven months after the start of the financial year to which it refers. At the same time the Local Access Forum requested further details of this project but these were never provided. Two of these repairs⁵ are now in a poor state of repair, less than two years after the completion of the works and a further two remain closed to the public.

The lack of commitment to maintenance

PD MTB have been informed by DCC that no money has been set aside for maintenance of this route, and this reflects the same situation in other byways that have been maintained in this manner, such as Chapel Gate and Stanage Causeway. The Green Lane Action plan also states that any overspend will be used to repair the routes and yet we see no evidence for this in the routes where work has been carried out with the drainage ditches full of the loose surfacing material with subsequent erosion of the top surface causing further ruts. PD MTB are unsure where this £140 000 has been used as we see no evidence of any sustainable impact from such a large investment.

We request that you, as our elected representatives, demand:

- Full details of the costs of these projects, how these are determined, justified and approved by the elected members of council.
- That the elected members, who are entrusted by their constituents to protect public money, hold DCC's highways department accountable for this vast wastage of money.
- That councillors act now to halt the future works planned by the Highways department which we believe are likely to cost at least £250 000.

Inaccuracy and lack of clarity regarding the justification for and proposed works and future maintenance

DCC have misrepresented user groups' views on the works

The user group's views are grossly misrepresented in this document. The report states:

“...the responses received from the consultees showed support for the work that had been started...”

⁴ http://www.derbyshire.gov.uk/images/2015.07.07%20%284j%29%20Chapel%20en%20le%20Frith%20BOAT_tcm44-267129.pdf

⁵ BOAT 182 and BOAT 16

PDMTB have published the majority of reports on their website. Virtually all groups recognise the need for some maintenance of this area but express concern about the cost of the project, stating that money could be better spent and a more and sensitive approach is requested. The strong objections to the costs are outlined in a section below.

PD MTD are unclear whether, when making these interpretations, the author of this report has been misled or whether he was unable to review all the comments made in the consultation. We are disappointed that our views have been so grossly misrepresented. DCC has chosen to publish only selections of the reports from user groups in this report. PD MTB urges the elected members to read the full responses, most of which are published on our website.⁶

DCC set inappropriate standard of maintenance

The report suggests that the works are justified because of the need to maintain the route as a carriageway and yet this route has a permanent restriction order in place that bans all motorised vehicles from using it. The Highways act recognises that maintenance of a highway should consider: *“the character of the highway, and the traffic which was reasonably to be expected to use it”*⁷

We appreciate a balance should be sought and welcome some of DCC's concessions to place more stable stones in the route and make provisions for drainage but, given the permanent exclusion of motor vehicles we believe the standard to which it should be maintained should be at the level of a bridleway, not a highway. PD MTB believe that DCC should not impose unreasonably high standards, otherwise scarce resources would be diverted from situations where maintenance and repair of the highways is more urgently needed”.⁸ DCC Rights of Way department has admitted in a meeting with PD MTB that their preference would be to cover all byways and bridleways in Derbyshire in concrete or road chippings. This is clearly an unacceptable approach by public servants tasked with protecting our beautiful landscape.

PD MTB feel that historically DCC have used inappropriate methods and to standards more suitable for public roads such as using road chippings (some of which have already been laid on Rushup Edge and are used extensively on the Chapel Gate side BOAT 16) or quarried material which has a major environmental and economic cost. Due to the nature of repairs on challenging routes, these routes quickly fall into disrepair and become dangerous with deep ruts, loose gravel, blocked drainage and exposed surfaces which damage horses' feet. This is evidenced on Chapel Gate (BOAT 16, Edale Parish) and Wigley Lane (BOAT 6 Rowland Parish) and Stanage Causeway⁹ and has already occurred at the end of Rushup Edge. There appears no budget for maintenance of this route and we expect, within a year, this route will also become a hazard. Whilst drainage works are finally now being planned, they have failed on the nearby Chapel Gate and Stanage Edge with the drainage ditches full of the loose surfacing material with subsequent erosion of the top surface causing further ruts.

DCC is concerned that an accident on one of their miles of rights of way will result in a legal case. The report mentions that the bedrock steps have been exposed for several years, and yet, fails to identify any case where an accident or threat of an accident has occurred. Our investigations have also revealed no such accident nor complaint and in fact, neither cycling groups nor the Dark Peak Bridleways Association feel there is any current danger posed by this route. The safety of a route can be evidenced by its history with a lack of accidents suggesting it is unlikely to be dangerous¹⁰ and given the exposure and wild location of the area it would be expected that a reasonable person could easily identify any risk and take appropriate action. In contrast, the Dark Peak Bridleways Association has identified areas where there have been accidents and Peak Horsepower (in their unabridged response) also identified areas of bridleway where DCC works have been carried out that pose potential injury to horses. Money would be better used targeting these dangers.

⁶ <http://www.peakdistrictmtb.org/index.php/70-rushup-edge-our-official-response-to-derbyshire-county-council>

⁷ Section 41 (2) Highways Act 1980

⁸ *Mills v Barnsley MBC 1992*

⁹ Link to pics on our website

¹⁰ *Meggs v Liverpool Corporation 1968*



DCC have falsely misrepresented the views of PDMTB

On numerous times in this report, it falsely suggests the objections were solely from mountain bikers objecting to the loss of challenge of the route. In fact, as demonstrated by the PD MTB survey and the comments from other stakeholders our objections were shared by a huge number of groups. We objected to the cost, justification and appropriateness of the works. We raised no objections with regard to any challenge the surface may pose and we support the need for sensitive maintenance. PD MTB had to take the initiative to contact other user groups to gain a range of views and conduct our own survey in order to make DCC listen to our concerns. PD MTB volunteers work with the Peak District National Park to maintain bridleways in the park for all users to enjoy. We agree that objections were strong from the mountain bike community. This is because we passionately recognise the importance of preserving the Peak District National Park in a sustainable and sensitive manner.

We request that you, as our elected representatives demand:

- Rights of Way in Derbyshire are repaired and maintained in a manner and to a standard appropriate for the individual route at the time of the repair in accordance with the Highways Act 1980
- That Rushup Edge route is maintained to the standard of a bridleway
- That on-going maintenance on all routes is costed into the budget and carried out regularly
- Plans are published regularly to elected members and available for public scrutiny
- We, as promised in this report, have timely access to the structural design, once completed.

The false use of disability access by DCC to justify their actions despite failure to consult local disability groups or make any provisions for disabled users

A major justification for the works is to improve access for those with disabilities. PD MTB welcomes this drive to improve access to our countryside.

It is important to identify priority routes that should be made accessible but this requires expertise as (as the LAF point out) *“Not all routes are by their nature equally accessible”* PD MTB refer to the Natural English document *“By All Means”*¹¹, which, in our opinion would class this route as *“Open Country, semi-wild and wild land. For example, mountains, moorlands and remote countryside where “People expect to make their own way, not to have this environment changed to provide access.”*

PD MTB have taken the initiative and consulted with two expert disability access groups who have experience in the local area: Accessible Derbyshire and Experience Community. Both these groups are known to DCC and have met members of the DCC Rights of Way team prior to this consultation period. Both groups have extensive knowledge of Derbyshire and the needs of those with disabilities. Despite this, neither was consulted during this process. PD MTB wishes to understand why the voices of our local groups were excluded.

PD MTB - following consultation with these local disability groups - has identified other barriers to access on Rushup Edge. These include the lack of parking, toilet facilities and poorly maintained, dangerous gates and lack of any provision for a circular route or accessible facilities in the area. The disrepair of BOAT 14 Chapel Gate means it is loose, steep and rutted making it unsafe for any wheeled chairs to continue along the whole length of this route. Sadly, when the Disabled Ramblers attended the site they failed to assess the whole route, and this would have been apparent if they did. DCC have told us that they have made no plans to rectify any of these barriers to access. DCC's disregard for these groups and resulting lack of understanding of the needs of these groups is unacceptable.

Finally, our involvement with disability groups has lead PD MTB to conclude that those who enjoy the outdoors welcome the challenge that these wild routes bring. The barriers to access we identified must be broken down, but the urbanisation and fundamental change to the character of these wild and beautiful places is not welcomed.

¹¹ <http://disabledramblers.co.uk/wp3/wp-content/uploads/2012/08/By-all-reasonable-means-ca215.pdf>

Consultation

DCC admit that they failed to consult appropriate user groups on this issue and accepts that better consultation is vital in the future.

The future requirements for consultation include a period of not longer than two months. DCC have admitted to PD MTB that they prefer not to consult because it takes extra time. In order to get public voices heard PD MTB liaised with other stakeholders to bring these matters to their attention and allow them to give their view.

This is not an appropriate way to consult with the public.

We appreciate consultation should be limited to avoid unnecessary delays and we welcome the need to avoid lengthy route closures such as seen on Rushup Edge and other rights of way in Derbyshire. DCC state consultation should take no longer than two months. In fact, stakeholders consulted regarding Rushup Edge provided a response in less than a month, but it has taken a further six months for DCC to provide a report to the elected members during which time Rushup Edge has been closed to cycles and horses and the surface remains dangerous to walkers.

Whilst a short consultation period is appropriate, a two month window would exclude the voice of the Local Access Forum (LAF). This is a body enshrined in law to represent the views of the electorate which meets quarterly. As such, a consultation window of two months is insufficient.

We are not surprised DCC have failed to respect the needs of the LAF. Over a year prior to the work commencing on Rushup Edge the LAF formally requested details of work on this route, which were never provided. Again, it took our members to make them aware of this issue. This reflects DCC's complete lack of respect for this democratic forum.

DCC's on-going refusal to provide the public with information

DCC say they will publish the proposed works on their website but makes it unclear where this will be, in what form, the names of the documents etc. At present we have identified numerous different documents relating to rights of way on DCC's website but the Rights of Way team has failed to provide PD MTB with a plan for 2014-2015 which should outline the current schedule of works. Rights of Way officer Peter White has informed us that no such document exists and this gives PD MTB the impression that he is actively avoiding consultation with a recognised advocacy group.

Finally, Rights of Way Officer Peter White stated that when preparing for this type of work, he first obtains funding, secondly draws up plans then finally consults on the matter¹². PD MTB fail to understand how he can justify the costs involved and gain agreement from the elected members without a clear plan of action and democratic consultation. We also fail to understand what happens to the budget should the works' eventual cost differ from the proposed costs. In fact, in a meeting with Peter White, he admitted that in previous cases he is aware of the true full cost of the works.

We request that you, as our elected representatives demand:

- A clear definition of those works that require consultation
- A clear pathway for citizens to be informed of proposed works
- Adequate time for consultation
- Respect for the Local Access Forum's and other user groups' needs for full information about proposed plans in a timely manner
- Appropriate user group consultation considering the route and proposed plans
- An explanation as to why local disabilities groups were not invited to give their view on the works
- A commitment to a complete approach to accessible rights of way taking into account the varied needs of those with disabilities.

¹² Personal Correspondence June 2015

Finally, we would like to point out that the mountain biking advocate group in the Peak District is “Peak District MTB” not Peak MTB.





Appendix I
Unabridged responses



Peak District National Park Response:

Peter White

Rights of Way Officer

Derbyshire County Council

By e-mail

13th January 2015

Dear Peter

DCC repair works at Chapelgate

I'm writing in response to your request for comments on the County Council's plans for repairs/maintenance to Chapelgate. Our comments below are summarised from the discussion at the sub-group meeting you attended at Aldern House on 8th January and follow on from the sub-group meeting on 13 November 2014 and as reported to the meeting of the full Forum on 4 December 2014.

General principles

- There should be a general principle of carrying out only the minimal work necessary to make the route sustainable and accessible.
- Landscape and environment issues are paramount and the character of the route should be retained as far as possible – A standardised treatment of routes will not adequately respect the character of the Chapel Gate route
- Not all routes are by their nature equally accessible
- DCC are urged to accept that whilst fulfilling their duties to maintain and make routes as accessible as possible to as wide a range of people as possible, this should be done in a way that understands the general desire from users to retain an element of challenge. A solution might only require a minor change to the design and construction but could enable both those who want a challenge and those who need easier access to access and enjoy the route and the wider area.
- There is a need to ensure that a broader consultation is achieved at the right time in sufficient time to consider views received and for them to be taken into account. NE will largely restrict their comments to SSSIs and in doing so are really thinking about nature conservation impacts on the designated features. They are not necessarily considering in any detail non-statutory nature conservation impacts or broader landscape/sense of place impacts.

Here DCC and PDNPA staff and teams with ecological and landscape skills are probably also needed if a more rounded view of environmental impact is to be achieved especially outside SSSIs.

- Techniques of repair should use natural materials and have durability
- Making provision for ongoing maintenance is as important as the construction

Specific comments on Chapelgate repairs

- The LAF urge continued consultation and updates from DCC in order that a reasonable agreed solution is reached.
- In this specific case the surrounding character includes relative naturalness/wildness and ruggedness.
- The unfinished works can't be left as they are, therefore the LAF urge their completion in a sensitive and appropriate manner



- The LAF recommend an approach to the top boggy section which is minimal in disturbance to the SSSI/SPA/SAC
- Bedrock is an acceptable surface for horse-riders as part of a challenging route
- On the boggy section there should be alignment with the established route
- The LAF would like DCC to explore further whether it's possible to have something that is tramper friendly whilst still retaining a significant challenge feel. The bedrock steps could be sculpted in some way to allow both - using a combination of sets to heighten in places with reducing the height of the bedrock along part of the length of some of the steps. A route for trampers could snake up the steps leaving a straighter steep section down the middle for bikes.

I hope you found the discussion and this summary positive and constructive. Please let us know how you intend to proceed.

Yours sincerely,

Edwina Edwards

Chair

PDMTB RESPONSE - 16 JANUARY 2015

Peak District MTB is an advocacy group aimed at using the collective voice of the Peak District's resident mountain bike community and seeks to improve, preserve and promote access interests for mountain bikers who live and ride within the Peak District National Park. Our membership is now in excess of 1200 individuals with support from other organisations, clubs and local businesses.

As an advocacy group we have tried over the past 12 months to engage with, and discuss the plans for maintenance and repair works for various rights of way in and around the entire Peak District National Park with Derbyshire County Council (DCC). Unfortunately, after one meeting, at which we were assured that we would be consulted and offered the opportunity to work with DCC on plans for Stanage Long Causeway, we have been unable to glean a response from DCC, more specifically Peter White, regarding these works by either telephone or email.

This situation forced PDMTB and concerned members of the public to undertake significant direct communication with DCC, through the organisation of an on-site protest and through social media channels, in order to generate an opening of dialogue with DCC. This resulted in a meeting in early December after the cessation of the works on the western end of the Rushup Edge / Chapel Gate byway, a site visit with Peter White, and an opportunity to present our views at the LAF sub group, also attended by Peter White. This increased consultation is welcomed and appreciated, however, our concerns remain that this may be an academic exercise and DCC will pursue its original course of action much as it did with the Stanage Long Causeway. We also had cause to notice that the designs presented at the meeting with DCC in December and shown to the LAF varied from the information imparted at the site visit, where we were advised that the work would be far more extensive than shown on the plans.

We share the concerns of Friends of the Peak and support, wholeheartedly, their position and recommendations.

In addition, we would like to highlight the fact that at no time has DCC, at its own admission, undertaken any research into the users of this particular route or the expected change in use after the work is complete. There has been no pre and post research undertaken on the Stanage Long Causeway to ascertain whether this work has changed the pattern and scope of users for this right of way. The only information regarding input and opinion into the process has been, according to DCC, from individuals or single interest user groups rather than from the whole spread of user groups.

We believe that without such research, and the publishing of same, no work should be undertaken as the outcry raised after the start of works on Rushup Edge / Chapel Gate clearly shows that it is unwanted by the existing user groups.

We would suggest to DCC that they undertake the following actions, in order of our preference:

1. remove all materials that have been placed on the route and return it to its original state
2. if maintenance or repair to this route is unavoidable we request the current materials are removed and replaced with a planned and designed stone setting approach to reasonably accommodate all amenity users as has been achieved on the Roych nearby
3. should the larger steps be removed we request smaller steps remain and that solid bedrock is left intact and visible, remaining consistent with the nature of the high moorland trail
4. that all maintenance is as sensitive, minimal and sustainable as possible for this and all future work on rights of way

We accept that there is a duty for DCC in providing access for all, however, as was extensively referenced in the LAF meeting this should be in accordance with Natural England's guidance. Everyone attending the LAF meeting was in support of Natural England's stance on disabled access and, therefore, felt that Rushup Edge simply did not fit the criteria of a high priority route for improving access.

The Countryside Agency and English Nature's definition of lower priority routes includes:

- Paths in sites where accessible facilities are not present, or where it is inappropriate and economically unviable to provide such facilities
- Isolated paths where few people are likely to use the route (those in areas of significant heritage value may be an exception to this rule)
- Paths where accessible public transport or parking places are unlikely to be provided
- Paths where the natural site constraints do not allow for fully accessible paths



- Paths in locations with high landscape value, where the visual impact of a fully accessible path cannot be overcome
- Paths in open countryside/wild land
- Paths where the cost of improving and maintaining to the highest access standards cannot be justified

According to these criteria the Rushup Edge / Chapel Gate byway is classed as a low priority route. This is in contrast to many areas within the PDNP that we believe have a much higher priority need for better access. This is especially important when taking into account the opposition to the work from groups and organisations prepared to present their objections publicly at the LAF meeting and directly to DCC. If accessibility is the key criteria we would also question that not including within the plan the replacement and maintenance of suitable gates would defeat the entire logic of access being the driving issue for the proposed works.

Finally we would like to draw to the attention of all recipients the many points raised in a report produced by PDMTB and submitted to DCC for comment (we are still awaiting a response), in addition to a user survey that was carried out in the very short amount of time available before the meeting with DCC in December. It includes the views and opinions of a number of user groups, as well as our members, in more detail as well as the opinions of an engineer familiar with this type of high moorland route into the suitability of the proposed repairs in this environment. The views of the engineer are particularly important when considering the durability of the proposal and the ongoing maintenance required to keep the proposed surface in good repair. We believe that without the commitment to a schedule of maintenance that this route would become unsustainable.

The report is available as a downloadable pdf document here:

<http://www.peakdistrictmtb.org/images/DCCrebuttalv9.pdf>

Yours sincerely,

The Committee of Peak District Mountain Bike Group for and on behalf of our 1200 members and affiliated organisations.



KEEPER OF THE PEAK RESPONSE - 16 JANUARY

Keeper of the Peak (@KoftheP) is an award-winning service dedicated to sharing trail conditions, promoting responsible trail use and improved dialogue between groups in the Peak District.

Based on Twitter, the 'community' is now over 1100 users strong and the feed has been recognised as an influential and useful tool for uniting and rallying the mountain biking community. Increasingly other groups are beginning to use and contribute to @KoftheP.

The first rumblings of discontent regarding the work on Rushup Edge appeared on @KoftheP in October 2014, and within days I was working closely with other advocacy groups in the area to coordinate our objections.

As such, @KoftheP shares wholeheartedly the concerns raised by Peak District MTB, Ride Sheffield, Friends of the Peak, the BMC and those who objected to the works at the recent Local Access Forum.

I, speaking on behalf of followers of @KoftheP, support the recommendations that Derbyshire County Council (DCC) should:

- remove all materials that have been placed on the route and return it to its original state
- ensure that all maintenance is as sensitive, minimal and sustainable as possible for this and all future work on rights of way
- ensure that the current materials are removed and replaced with a planned and designed stone setting approach to reasonably accommodate all amenity users as has been achieved on a nearby route, if maintenance or repair to this route is unavoidable
- ensure that smaller steps remain and that solid bedrock is left intact and visible, remaining consistent with the nature of the high moorland trail, should the larger steps be removed

Regarding the priority of maintenance on the route, I believe Rushup Edge is a low priority route in line with the Countryside Agency and English Nature's definition:

- Paths in sites where accessible facilities are not present, or where it is inappropriate and economically unviable to provide such facilities
- Isolated paths where few people are likely to use the route (those in areas of significant heritage value may be an exception to this rule)
- Paths where accessible public transport or parking places are unlikely to be provided
- Paths where the natural site constraints do not allow for fully accessible paths
- Paths in locations with high landscape value, where the visual impact of a fully accessible path cannot be overcome
- Paths in open countryside/wild land
- Paths where the cost of improving and maintaining to the highest access standards cannot be justified

It is my firm belief that Derbyshire County Council's Rights of Way team have failed to sufficiently consult with users affected by these changes and that despite repeated and consistent objection, that they are determined to continue the work regardless of concerns raised.

As an aside, regarding the use of social media in objecting to the work. Derbyshire County Council stated that the social media campaign had caused the council significant trouble over the weeks it was conducted

I would note that social media tools – be they Facebook, Twitter, email, web forums – cannot be blamed for causing Derbyshire County Council Rights of Way team members inconvenience or 'trouble'. Instead, Derbyshire County Council Rights of Way team should look to their own failure to consult adequately for users taking to social media to object. Whether or not DCC could manage the 'unprecedented level' of response is not the fault of the tools used.

In summary,

- Overwhelmingly users of this path are not in support of the planned work
- Your justification for the works is not supported by recommendations of subject matter experts in this area
- Your actions have galvanised an important and influential cross-interest group against Derbyshire County Council and you must take steps to work with and respect this group



- I remain hopeful that you will reconsider your position in light of the response to Rushup Edge, as do many, many thousands of others.

Yours sincerely,

@KoftheP



DISABLED RAMBLERS RESPONSE

BACKGROUND

The Disabled Ramblers have been invited by Peter White of Derbyshire County Council to give our views on the proposed repairs to Chapel Gate. On Tuesday 7th January, committee member Arthur Lee and I visited Chapel Gate, The Roych and Long Causeway in order to familiarise ourselves with the area. On Thursday 8th January 2015 we both attended the Peak District National Park Local Access Forum Green Lanes sub group meeting where we were able to give our views.

NOTE FOR WEB COPY OF THIS DOCUMENT 'By All Reasonable Means' is the Government's Guidance on access to the countryside. Our ramble grading structure is taken from this. On initial contact with Peter White he confirmed that he has this document. In my view, the method of repair proposed at that time met the requirements of 'By All Reasonable Means': [Http://Publications.Naturalengland.Org.Uk/Publication/45015](http://Publications.Naturalengland.Org.Uk/Publication/45015)

ABOUT THE DISABLED RAMBLERS

The Disabled Ramblers National Charity exists to help to get more mobility-limited people back into the outdoors.

We work to meet our Objectives in two main ways:

- Organising and running rambles of varying degrees of difficulty in locations around England and Wales for our members.
- Campaigning for the removal of man-made barriers such as stiles, gates and steps for the benefit of disabled people in general.

We are not looking for all footpaths to be tarmacked over! Rather we encourage the use of mobility scooters appropriate to the terrain encountered. We categorise our rambles routes from 1 to 4. Details are appended. In brief they are as follows:

- Category 1 – Suitable for Wheelchairs and outdoor Powerchairs.
- Category 2 – Suitable for heavy-duty Powerchairs and outdoor mobility scooters
- Category 3 – Suitable for Heavy-Duty Class 3 mobility scooters. In more detail: Category 3 means longer stretches of rough going with side slopes and some ruts (max depth 100mm). The paths may well be stony tracks with quite large stones (some stones max 100mm), or there may be very wet and soft sections. Occasional steps up to 100mm may be encountered). Cambers may also be correspondingly steeper, sometimes in excess of 1 in 8. Hills may be long and steep, with some stretches even up to 1 in 5, occasionally 1 in 4. Total significant height climbed during a day may be up to 300 metres.
- Category 4 – Suitable only for experienced riders on specialist mobility scooters such as the Trampler and the TGA Supersport. Some routes may prove to be impassable.

LONG CAUSEWAY

Before discussing Chapel Gate, it might be useful to observe that the route known as Long Causeway from Redmires Reservoir on the outskirts of Sheffield to Dennis Knoll near Hathersage makes an excellent ramble. The surface is smooth enough to enable a normal mobility scooter to traverse it. Importantly, on a fairly long ramble, the smooth surface will reduce the fatigue felt by scooter users when negotiating long stretches of uneven track. The gradient is not too steep and the width allows other users to pass a scooter in safety. At 2.5 miles, or 5 miles out-and-back, this will make a useful addition to our ramble list and local users should be encouraged to use it. It will, of course, need regular maintenance to keep the surface as it is as the fine top layer grit will wash out.

CHAPEL GATE

Chapel Gate is a Byway Open to All Traffic (B.O.A.T.). As such it must be maintained by the appropriate Highways Authority to allow the safe passage of all traffic. A permanent Traffic Restriction Order (T.R.O.) is now in place which bans the use of motorised traffic on this Byway so that the legal users are pedestrians, cyclists, horse riders, carriage drivers and non-mechanically propelled vehicles. In law, an invalid carriage is allowed to go where a pedestrian can go and so is included in this list.

While natural features such as rock steps might prevent a mobility scooter from proceeding on a footpath and is acceptable to us, Chapel Gate is not a footpath, it is a carriageway. Large rock steps have no place on a carriageway. These are not a natural feature of the landscape but are the result of wear, abuse and lack of maintenance over many years. When properly maintained, the carriageway is not too steep and is sufficiently



wide. We would therefore expect that a Class 3 Mobility Scooter would, once repairs are effected, be able to negotiate the whole of the route from Sheffield Road to Barber Booth.

WET AND BOGGY AREA AT THE BYWAY SUMMIT

At the LAF sub-group meeting there was discussion about the work to be done on the summit area of the byway and proposed modifications to the plan seemed to be accepted by Peter White. We were not able to understand completely what the modifications would entail but we would expect the resultant surface to be passable in all but exceptionally wet weather.

TYPE OF REPAIR

It is not within our remit to say how a route should be repaired. We are only concerned that we can travel along it in safety.

The proposed repairs to Chapel Gate would certainly meet our needs in terms of the ability of a scooter to pass along its surface. However, as the steepness means that this would be, in our terms, a Category 3 ramble, then the surface need only be improved to the level that allows the safe passage of a large mobility scooter such as a Trampler or Supersport. These mobility scooters can cope with a certain amount of unevenness in the surface. For example both a Trampler and a Supersport can cope with up to a 4 inch step – so long as there is then a level surface sufficient for the rear wheels to be at the same level as the front before the next step. Steps such as this would need to be the exception as a prolonged duration of steps would be unreasonably trying and tiring for the rider thus making it unsafe.

The exposed areas of bedrock are of particular interest. So long as the gaps between the various areas of bedrock are filled to remove the steps then we would be happy to travel over the resulting surface.

An example of a surface that is not passable is the section of the Watkin Path in Snowdonia where large rocks have been placed to form steps. The manner in which they have been placed prevents the Trampler from proceeding due to there being no space between each step for the rear wheels to get level with the front ones. And gaps between rocks cause the front wheels to drop down between them. See photo below.

STONE PITCHING

It has been suggested that Stone Pitching be used to smooth the rise between the rock steps. There are many types of this, some of which might not be acceptable.

The drawing below shows an example of stone pitching which might be suitable for infilling between the areas of bedrock as the rise at each step is 25mm:

(see website for drawing) [Bridleway_Stone_Pitching](#)

CONCLUSION

As a Byway, we would expect to see the repairs to Chapel Gate done in such a way as to meet our criteria for a Category 3 ramble. That is ruts, stones and steps of no more than 100mm.

RIDE SHEFFIELD RESPONSE

Ride Sheffield Response to the Derbyshire County Council (DCC) works on the western end of Chapelgate. Ride Sheffield is a mountain bike advocacy group of some 2100 members.

We were alerted to the Chapelgate works by neighbouring group, Peak District MTB. Our members ride regularly in the Peak District and therefore we took the view we should become involved in the campaign to encourage Derbyshire County Council to take mountain bikers opinions into account when carrying out maintenance on byways such as Chapelgate.

In a determined attempt to avoid repeating points that will be made by many other respondents, we will be brief:

As DCC have now admitted, work was carried out on Chapelgate without meaningful consultation with either the Peak District National Park Authority or the Peak District Local Access Forum (LAF).

While the opinions of the PDNPA are hugely influential, we would also urge DCC to listen to the LAF. It is composed of people who represent different user groups but, crucially, have worked together on the LAF for some time in a spirit of consensus and compromise. By contrast, many of the submissions DCC has received in support of the works as envisaged are from single-interest groups and therefore have not been moderated by exposure to the opinions of others. Single interest groups often have a blinkered attitude as to how the countryside should be administered and mountain bikers are not immune to this.

Which is why the LAF's opinion of how Chapelgate should be maintained must carry considerable weight. It was obvious at the recent Peak LAF green lanes sub-group that there are horse-riders and ramblers who feel that Chapelgate should retain its rugged character, an opinion shared by Ride Sheffield. We therefore exhort DCC to use this forum as it's primary source of guidance.

