



Order Decision

Inquiry opened on 16 January 2018

Hearing held on 5 February 2019

by Sue M Arnott FIPROW

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 4 September 2019

Order Ref: ROW/3177165M

- This Order is made under Section 53(2)(b) of the Wildlife and Countryside Act 1981. It is known as the Derbyshire County Council (Bridleway and Byway open to all traffic along Back Lane – Darley Dale) Modification Order 2016.
- The Order is dated 21 January 2016. It proposes to modify the definitive map and statement for the area by recording a public bridleway and a byway open to all traffic along Back Lane, Darley Dale, as shown on the Order map and described in the Order schedule.
- There were five letters of objection outstanding (together with two in support and one representation) when Derbyshire County Council submitted the Order for confirmation to the Secretary of State for Environment, Food and Rural Affairs.
- In accordance with Paragraph 8(2) of Schedule 15 to the Wildlife and Countryside Act 1981 I have given notice of my proposal to confirm the Order with modifications. In response one representation has been submitted.

Summary of Decision: The Order is confirmed subject to the modifications previously proposed.

Procedural Matters

1. If confirmed with the modifications set out in paragraph 74 of my interim Order Decision issued on 22 March 2018, the Order would record on the definitive map and statement a byway open to all traffic (BOAT) along the route originally proposed as a bridleway and omit a part of the route proposed to be recorded as a BOAT. Also, a cattle-grid referred to in the Order Schedule as a limitation would be removed.
2. I held a public hearing to consider my proposed modifications to the Order at County Hall in Matlock on 5 February 2019. I took the opportunity to re-visit part of the Order route (between points B and C) during the previous afternoon, unaccompanied.

The Main Issues

3. As I stated in my interim decision, the main issue in this case is not whether there is a public right of way along the Order route but which category of highway should be recorded on the definitive map and statement.
 4. That remains the essential question, although there has been no challenge to my conclusion that, on a balance of probability, the evidence shows that the
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section of Order route between points A and B should be recorded as a BOAT rather than as a bridleway.

5. In fact my conclusion that the whole of the Order route was historically a vehicular highway has not been questioned. The main issue now is whether all or part of section B-C should be recorded on the definitive map as a BOAT or left off on the basis that it forms part of the ordinary road network.

Reasons

6. In response to publication of my proposed modifications, on behalf of the Trail Riders' Fellowship (TRF) Mr Kind expressed general support but with one exception: the TRF contends that section X-C should not be included in the Order. In his submission, the history, nature, character and use of this part of Back Lane demonstrate that the way is not a BOAT but part of "the ordinary rural road network".
7. Mr Kind argued that X-C should not be added to the definitive record for the same reason as I proposed to exclude section B-X: because it "*should more properly be regarded as part of the main highway network and that it is therefore not of a character which the 1981¹ Act envisages should be recorded on the definitive map and statement*"².
8. The issues raised by this submission formed the focus of the discussion at the hearing. This ranged from a consideration of the factors that may determine BOAT status (including its character, type and suitability for use by horses and pedestrians), the evidence of use and the balance of user, the characteristics (and in particular the surface of) the Order route, to the level of maintenance, signage along the way and the strategic role of the highway in question.
9. At paragraph 52 of my interim Order Decision I acknowledged that, at the inquiry on 16 January 2018, the question of whether the Order route satisfies the statutory requirements to warrant addition to the definitive map as a BOAT was not addressed in any detail. As I acknowledged at the hearing, that may have been an omission on my part, but publication of my proposed modifications has provided an opportunity for the matter to be fully aired.
10. I have now reached my final conclusions having considered carefully the submissions of all parties on the matters raised and the discussion on this subject at the hearing. For the sake of comprehensibility and thoroughness, some of the references to the legislative context and relevant guidance noted in my interim Order Decision are repeated here.

Legislative context and guidance

11. In its widest sense, the debate centres on whether all or part of the Order route satisfies the statutory description of a byway open to all traffic such that it should be added to the definitive map and statement, or alternatively whether it forms part of the 'ordinary road network'.
12. This is based on the premise that if the route qualifies as one, it cannot qualify as the other; they are to be regarded as mutually exclusive entities. Indeed this is expressly stated in Defra's advice on the operation of the Natural Environment and Rural Communities Act 2006 (the 2006 Act).

¹ The Wildlife and Countryside Act 1981

² From paragraph 63 of the interim Order Decision

13. To quote from Defra Circular 1/09³: "*Section 67(1) of the 2006 Act extinguished, with effect from 2 May 2006, all unrecorded public rights of way for mechanically propelled vehicles, with certain exceptions. The exceptions were, broadly, for highways that were part of the "ordinary roads" network, or highways that had been expressly created or dedicated as a public right of way for mechanically propelled vehicles.*"
14. One of the exceptions from extinguishment is referred to as 'the user test': sub-section 67(2)(a) states that extinguishment "*does not apply to an existing public right of way if ... it is over a way whose main lawful use by the public during the period of 5 years ending with commencement⁴ was use for mechanically propelled vehicles*". Paragraph 21 of the associated Guidance⁵ explains that the intention here was "*to except highways that are part of the 'ordinary roads network'.*"
15. Paragraph 26 of the same Guidance continues: "*This test was introduced in order to complement a similar test which appears in section 66 of the Wildlife and Countryside Act 1981, and which sets out the definition of a byway open to all traffic (BOAT). If a highway satisfies the user test in subsection 67(2)(a) of the (2006) Act, it should not satisfy the 'BOAT' test in section 66 of the (1981) Act.*"⁶
16. A second exception (in sub-section 67(2)(b)) includes "*ways that are both recorded on the 'list of streets' as being maintainable at the public expense and are not recorded on the definitive map and statement as rights of way.*" The Guidance explains that this is "*to exempt roads that do not have clear motor vehicular rights by virtue of official classification but are generally regarded as being part of the 'ordinary roads network'.*"
17. Besides acknowledging that inclusion in the 'list of streets' is not conclusive proof of the existence of a public vehicular right of way, paragraph 30 of the Guidance explains that the intention behind this exception is "*to guard against widening the scope of these provisions to the point where they could have unintended consequences on the 'ordinary roads network'.*" In particular, many non-classified highways (NCHs) could otherwise be vulnerable to extinguishment even if widely acknowledged to be public roads.
18. It is clear that the Guidance promotes an evident distinction between BOATs and 'ordinary roads' in the highway network, whilst recognising that non-classified highways could fall into either category.
19. I agree with Mr Westerway's submission that it is essentially wrong to rely on Guidance issued in 2008 in connection with the 2006 Act to interpret the BOAT definition found in section 66 of the 1981 Act. However it is helpful insofar as it sheds some light on the administrative relationship between BOATs and 'ordinary roads'.
20. It must not be forgotten that 'BOAT' is a class of highway, defined in the 1981 Act as a vehicular highway that is "*used by the public mainly for the purpose for which footpaths and bridleways are so used*", whereas 'ordinary road' is an

³ Version 2 at paragraph 4.39

⁴ 2 May 2006

⁵ "Part 6 of the Natural Environment and Rural Communities Act 2006 and Restricted Byways: A guide for local authorities, enforcement agencies, rights of way users and practitioners Version 5 May 2008"

⁶ My emphasis

undefined descriptive term, generally alluding to its place in the strategic hierarchy of highways, typically for maintenance purposes.

21. A route recorded as a BOAT on the definitive map and statement will remain so for all time, unless and until there is evidence to show otherwise, on a balance of probability, and sufficient to justify the making and confirmation of a definitive map modification order to remove it. In contrast there is no clear definition of an 'ordinary road', statutory or otherwise, and no mechanism for its recording.

The 'Ordinary Road Network'

22. Since the main argument put forward by the TRF in its representation is that the Order route section X-C should more properly be regarded as part of the 'ordinary road network', I shall start by considering this proposition.
23. The TRF drew my attention to a reference to 'ordinary roads' by Fraser L in the case of *Suffolk v Mason [1979]*. Here Lord Fraser considered the definitive map and commented: "*Its whole emphasis is on recording and preserving rights which might otherwise be lost. That is also in my view the reason why the definitive map is not required to show ordinary roads over which of course there must be a public right of way on foot and horseback. Such roads are entirely outside the scope of the Act*⁷."
24. In the absence of any explicit explanation, the question remains: what is an ordinary road? Taking a literal dictionary definition, 'ordinary' can mean 'normal', 'everyday', 'average', 'commonplace', 'usual' or 'routine'. Defining the word 'road' is not clear cut either, but in this context (and noting the references in the preceding paragraphs) it seems reasonable to interpret this as meaning a vehicular highway. Therefore, at a very basic level, the essence of an 'ordinary road' seems to be that it is one of many in a network of everyday, normal, vehicular highways.
25. That simplistic interpretation chimes with DCC's submission that it is relevant to consider what 'ordinary motorists' would conceive as being part of the 'ordinary roads network'. Arguably an 'average' motorist driving a 'normal' family car would expect a modern day vehicular highway to be managed in a way that is appropriate for the type of traffic that 'routinely' makes 'everyday' use of the highway. That might, for example, include road markings, appropriate signage and footways where pedestrian use is usual. It would also include the provision of a suitable road surface.
26. It must follow from this that what is generally regarded *today* as an 'ordinary road' by the majority of 'ordinary motorists' is a vehicular one with a tarmac surface; it is less 'ordinary' to find non-tarmac highways used regularly by vehicular traffic, other than perhaps for access to individual properties.
27. However the TRF argues that the Order route *was* once regarded as an ordinary road by local people but, simply through a lack of maintenance and improvement by the highway authority since the 1950s, the physical appearance of parts A-B and X-C now signify a false distinction from B-X.

⁷ The National Parks and Access to the Countryside Act 1949 under which the first definitive maps and statements were compiled.

28. In fact the TRF accepts that other aspects of the character of A-B are such that BOAT is now the appropriate classification for that section. Further, the TRF agrees with my conclusion that B-X forms part of the 'ordinary roads network' but challenges my previous reliance on the nature of the road surface (tarmac) as the basis of that conclusion.
29. It was Mr Kind's submission that, whilst X-C does not have a tarmac surface, it is nonetheless a made-up carriageway, with relevant signage and it is suitable for vehicular use. Section 329(1) of the Highways Act 1980 (the 1980 Act) defines a "made-up carriageway" as one which has been "metalled or in any other way provided with a surface suitable for the passage of vehicles". In his view (with which I agree), metalling does not necessarily involve tarmac.
30. Today, the nature of the surface is not consistent throughout X-C; in places it has been severely eroded so that any original sub-structure has disintegrated, whilst at its northern end (where the road provides access to Forestry Commission land) it has clearly been improved. Even so, from the evidence of witnesses at the inquiry and from old photographs submitted by several people, I do accept that the whole of Back Lane was once driveable by 'ordinary' vehicles of the day (although it is clear that local people say motor vehicles were rarely encountered until the 1990s).
31. In the evidence of Mrs Dalton, who lived on Back Lane from 1967 to 2007, talking about section B-X she recalls that initially there "*was no tarmac between Butchers Lane and Woodside Farm ... It was just a sandy road but the surface was good... But as more vehicles used the track it started to deteriorate ... At first the Council just patched it up. They put the tarmac down some time in the 1990s*".
32. I have no evidence before me to explain the background to the highway authority's decision to surface with tarmac only from B to X and no further. I cannot therefore presume it to have been a wider policy decision, or that there was any consideration of whether this should be upgraded to form part of the 'ordinary road network' although both of those things may have happened.
33. Whatever the reason for this, it does highlight the changing nature of the highway network over time as types and levels of traffic fluctuate for a variety of reasons as does the response from the authority charged with the duty to manage and maintain it.

The 'Ordinary Road Network': Conclusions

34. It seems that what is regarded as an 'ordinary road' is not set in stone and has varied over time. There is no formal guidance as to its scope, other than it is not a BOAT and should not be recorded on the definitive map. For those non-classified highways which do not feature on the definitive map, there may remain an element of doubt over the extent of the public's rights over them since there is no corresponding legal record of full vehicular highways beyond the maintenance-liability based list of streets.
35. It is difficult to draw any reliable conclusions on whether any part of the Order route is properly identified as an 'ordinary road' when the term itself is undefined. Although the TRF challenges my reliance on the nature of the road surface as an indicator, none of the parties have objected to my previous conclusion that B-X should be regarded as such a road, being connected to the ordinary road network via Butcher's Lane and also affording access to

- Woodside Farm and Moorlands⁸. Whilst the reason for the tarmac being applied on B-X in the 1990s has not be clarified, it appears reasonable to deduce that this part of Back Lane received a greater degree of use than X-C, requiring a more robust surface than merely continuing to repair potholes.
36. It seems to me that, as a general principle, the nature of the use of a road is reflected by the type of surface provided by the highway authority and that this sits comfortably with the public perception of an 'ordinary road'.
37. Applied to B-X, this rule supports my conclusion that this section should be regarded as part of the 'ordinary road network'. However, the same cannot be said for X-C. There is undoubtedly use by the public with vehicles, including recreational motorists as well as some gaining access to adjoining land, but, in my view, the lack of a tarmac surface reinforces the public perception that this is not an 'ordinary road' over which they may drive their 'ordinary' vehicles.
38. I accept that, had the situation been assessed in the 1950s⁹, my conclusion may have been different. I also recognise that the actions (and inaction) of the highway authority in choosing to tarmac B-X but not actively maintain X-C has led to the route effectively being managed in two distinct parts rather than as a whole, and that the failure to maintain X-C has led to its gradual deterioration. Nevertheless, it is a matter for the highway authority to establish its priorities for maintenance and its strategic hierarchy for improvements.
39. Although I still hesitate to make a judgement as to whether or not parts of the Order route form part of the 'ordinary roads network' when there are no recognised criteria for this, insofar as it would not be appropriate to consider such roads for inclusion on the definitive map, I remain of the view that, on balance, section B-X would generally be considered to be an 'ordinary road' but that section X-C and (A-B) would not.
40. Therefore, I will examine the criteria for recording BOATs to establish whether, in the light of the further submissions made, I remain of the view that both A-B and X-C should be recorded as having this status.

Byway Open to All Traffic status

41. The essential question remains whether the Order route fits the statutory definition¹⁰ of a BOAT by being a public carriageway that is "*used by the public mainly for the purpose for which footpaths and bridleways are so used*".¹¹
42. There are two main sources of guidance on interpretation of that definition: Defra Circular 1/09 and the case of *Masters v the Secretary of State for the Environment, Transport and the Regions [2000]*¹² (the *Masters* case).
43. As I noted previously, when deciding whether a way ought to be shown on the definitive map and statement as a BOAT, paragraph 4.38 of Circular 1/09 advises authorities to "*examine the **characteristics** of the way. Relevant case law suggests that, for a carriageway to be a BOAT, it is not a necessary*

⁸ I have accepted the use made of the route by residents of Back Lane to be in exercise of the public right of way since no separate private rights of access have been identified.

⁹ When Back Lane was omitted from the 1949 Act survey for the first definitive map, arguably because it formed part of the ordinary road network

¹⁰ In section 66 of the 1981 Act

¹¹ As I have already noted above in paragraph 5, my previous conclusion that the Order route was historically a vehicular highway has not been challenged.

¹² *Masters-v-the Secretary of State for the Environment, Transport and the Regions [on application of the Court of Appeal judgment] [2000] 4 All ER 458*

- precondition for there to be equestrian or pedestrian use or that such use is greater than vehicular use. The test also relates to its **character** or **type** and whether it is more **suitable** for use by walkers and horse riders than vehicles."*
44. This appears to be based on the *Masters* case where, in his judgement, Roch LJ concluded that "*The purpose of the definition (in the 1981 Act) was to identify the way Parliament intended should be shown on the definitive map and statement by its **type** or **character**.*"
45. He concluded: "*Parliament was setting out a description of ways which should be shown in the maps and statements as such byways. What was being defined was the **concept** or **character** of such a way. Parliament did not intend that highways over which the public have rights for vehicular and other types of traffic, should be omitted from definitive maps and statements because they had fallen into disuse if their character made them more likely to be used by walkers and horse riders than vehicular traffic because they were **more suitable for use by walkers and horse riders than by vehicles**.*"
46. The criteria for BOAT emerging both from the Circular and from *Masters* are those words I have emphasised in bold: the '**concept**', '**type**' or '**character**' of the way, and its '**suitability for use by pedestrians and horse riders**', rather than a direct assessment of its main use.
47. Yet it is important to recognise that *actual* use was absent in *Masters* and I have some sympathy with Mr Kind's argument that this case is not authority for the proposition that current use is irrelevant to the definition of a BOAT when (a) this refers to a 'way that is used by the public' in the present tense, and (b) there was no actual use in the *Masters* case from which to establish whether it was "*used by the public mainly for the purpose for which footpaths and bridleways are so used*".¹³
48. However, Mrs Mallinson and Ms Stubbs are quite right to raise other aspects of the *Masters* case and guidance which point towards recent or current use being irrelevant when considering the status of a potential BOAT. In particular Roch LJ¹⁴ accepted that the balance of use of a route will vary over time and that the adoption of "*a literal interpretation of the statutory definition*" would produce "*the absurdity*" of surveying authorities needing to review their definitive maps whenever patterns of use changed. The logic of that argument is compelling.
49. Earlier in his judgement Roch LJ had recognised that "*The definition read in its entirety is ambiguous. In those circumstances Hooper J (the judge in the High Court) was right to adopt a purposive approach to the construction of the definition.*"
50. Mr Kind submits that the balance of user may not be determinative but it remains central to the definition. However, having considered carefully the *Masters*' case and the guidance in Circular 1/09, together with all the submissions presented to the hearing, I will qualify the opinion expressed at paragraph 56 of my interim Decision, that "*a consideration of recent public use by pedestrians, equestrians and by vehicular users can be relevant in determining the character or type of a particular way but it is not necessarily the defining factor*".

¹³ *Masters* concerned the deletion of an unused route, there being no actual use to rely on. The circular clearly followed the case.

¹⁴ At paragraphs 38 and 39

51. I remain of the view that such use may be relevant in considering the character of the way insofar as there can be a relationship between the type of surface provided by the highway authority, the suitability of the way for use by pedestrians and horse riders¹⁵ and the actual use that is made of that way.

Concept, type and character

52. DCC points out that old carriageways such as Back Lane originated before the era of tarmac. It supports my previous finding that the absence of tarmac on X-C goes to the core issue of the character of this section and what it tells us about how it has been, and still is, used. DCC argues that roads routinely used by the public with motor vehicles have, for the last 100 years or so, been maintained by the highway authority with tarmac; tarmac is therefore a good measure of use and also a visual expression of the type and character of the road. Since X-C has never been surfaced with tarmac, it retains a very different character.

53. Mrs Mallinson and Ms Stubbs highlighted statements from individual users¹⁶ which showed that, until the 1990s, the character of Back Lane had been one where walkers and horse riders used the road undisturbed and where farm animals were walked to adjoining fields in safety. As recreational motor vehicular use increased and the road surface deteriorated, the way has become less attractive to horse riders and pedestrians though such use has not ceased.

54. I recognise that levels of use and types of user have and no doubt will vary over time, just as will the regularity of surface repairs and the standard of highway improvements (if any). Indeed this illustrates the changing nature of highway use in response to different factors and demonstrates why this should not determine whether or not the route is added to the definitive map.

55. I have already noted (at paragraph 38 above) that the lack of maintenance along much of section X-C has been a factor in its gradual deterioration. I also recognise that if the highway authority had taken a decision in the 1990s to tarmac X-C as well as B-X my conclusions on the character of the way would be wholly different. Nevertheless, in forming a view so as to determine this Order, I am satisfied that the character of the road X-C fits the concept of a BOAT.

Suitability for use by pedestrians and horse riders

56. In its representation, the TRF submits that it is the nature of X-C as a made-up road (but admittedly not tarmac), the signage and its suitability for vehicular use that preclude it from being recorded as a BOAT.

57. I have accepted the first point (that it was originally a made-up carriageway) but on the second, the evidence shows the signs are not ones provided by the highway authority. On the third issue, the suitability of X-C for (unqualified) vehicular use is debateable. I recognise that the route is probably accessible at the northern end in ordinary cars but the majority of its length can only be

¹⁵ I acknowledge that, at paragraph 60 of my interim Decision, I noted that the "*suitability of the way for vehicular use is not the test to be applied here*". This was primarily to avoid any confusion with the (now redundant) statutory test introduced by Countryside Act 1968 relating to the reclassification of 'roads used as public paths'.

¹⁶ I am now assisted by an analysis provided by Mrs Mallinson and Ms Stubbs although they point out that this cannot be construed as a survey of the *balance* of use because users were not asked how many people they saw using the route and in which ways. In fact I previously expressed my reluctance to rely on the user evidence to provide an accurate survey of the proportions of different types of user and (above) have noted the clear direction of the Court that a reliance solely on a balance of user test cannot be sustained.

driven by 4-wheel drive 'off-road' vehicles and trail bikes. In DCC's view (with which I agree) it is wholly unsuited to use by ordinary vehicular traffic.

58. However the test for BOATs suggested by Roch LJ in *Masters* involves a consideration of whether "*their character (makes) them more likely to be used by walkers and horse riders than vehicular traffic because they (are) more suitable for use by walkers and horse riders than by vehicles*". It is therefore not a question of whether the way is suitable for use by vehicles; the issue is whether it is more suitable for one or the other.
59. As with the character of the way, its suitability for particular types of use is largely dependant on the nature of the surface. Looking at the majority of X-C, I have no hesitation in concluding that it is more suited to use by pedestrians and horse riders than by vehicles, other than those adapted to 'off-road' use.
60. Thus, I return to my conclusion that the character of X-C is such as to satisfy the statutory description of a BOAT.

Conclusions on BOAT status

61. Following the available guidance on interpretation of the definition of a BOAT (which is described by Roch LJ as 'anomalous') steers the decisionmaker away from a literal analysis of the balance of user to a more pragmatic approach. Instead, it is the concept, type or character of the way which defines it as a BOAT together with it being more suited to pedestrian or equestrian use than use by vehicles.
62. I previously found the evidence sufficient to show that Back Lane in its entirety carries a public right of way for all types of traffic. That has not been challenged and remains my view. Neither has my conclusion altered insofar as I still find the evidence sufficient to show that section A-B should be recorded on the definitive map as a BOAT but section B-X should not since I consider it to be part of the 'ordinary road network'.
63. As regards section X-C, I consider the character of the way to be heavily influenced by the surface which is itself a reflection of the use that has and still does take place. The nature of the road surface also influences its suitability for different types of traffic; in the case of X-C I am satisfied that it is more suited to use by pedestrians and people on horseback than by vehicles although all uses currently take place. Those conclusions lead me to find that this section of the Order route satisfies the definition of a BOAT as interpreted by the Courts and as advised in the statutory guidance.

Other matters

64. Having examined these matters in some detail in order to determine this Order, a point raised by DCC is not central to the issue but is nonetheless worth reflection. The authority submits that defining a road as a BOAT creates certainty for pedestrians, horse riders and cyclists; it established conclusively that they have a right to use the way (as of course does other traffic) but ordinary motorists will not be led along a road which is unsuitable for their vehicles. In contrast, ordinary roads are undefined, in some cases leaving a degree of uncertainty over their status which is not helpful to the public.
65. Lastly, for the record I note there was no challenge to my proposed deletion from the Order Schedule of the cattle grid near point A.

Conclusion

66. Having regard to the above and all other matters raised at the inquiry, at the hearing and in the written representations, I confirm the Order with the modifications previously proposed.

Formal Decision

67. I confirm the Order subject to the following modifications:

In the Order title

- Delete the words "Bridleway and" wherever they occur;

In the Order schedule: Part I

Section as indicated on map:

- Delete "B-C" and substitute "X-C"

Description of Path or Way to be added:

For section A-B

- In line 1 delete "Bridleway" and substitute "Byway Open to All Traffic";

For section B-C (X-C)

- In line 1 delete Point B and substitute Point X;
- In line 2 delete "SK2869 6397" and substitute "SK28806439";
- In line 5 delete "1627 metres" and substitute "1192 metres";

In the Order schedule: Part II

For No 66:

Status and Description of Route

- In line 1 delete "Bridleway" and substitute "Byway Open to All Traffic";

Remarks

- Delete "Cattle grid SK 2841 6320"

For No 58

Status and Description of Route

- In lines 2-4 delete "junction with Butcher's Lane (GR SK 2869 6397)" and substitute "Woodside Farm (GR SK 2880 6439)";

Length

- Delete "1627 metres" and substitute "1192 metres";

On the Order map

- Amend notation used to depict section A-B from bridleway to byway open to all traffic;
- Delete the section shown as byway open to all traffic between point B and Woodside Farm at point X.

Sue Arnott

Inspector

APPEARANCES

In support of the proposed modifications

Ms L Edwards Solicitor; Derbyshire County Council

Mr P Jackson Senior Legal Assistant; Derbyshire County Council

Mrs D Mallinson Representing Peak District Green Lanes Association and Peak
Horse Power; assisted by

Ms P Stubbs

Opposing (some of) the proposed modifications

Mr N Westerway Of Counsel; Francis Taylor Building, Inner Temple, London
EC47 7BY; instructed by the Trail Riders' Fellowship, assisted by

Mr A Kind

Also contributing to the discussion

Mr Littlewood

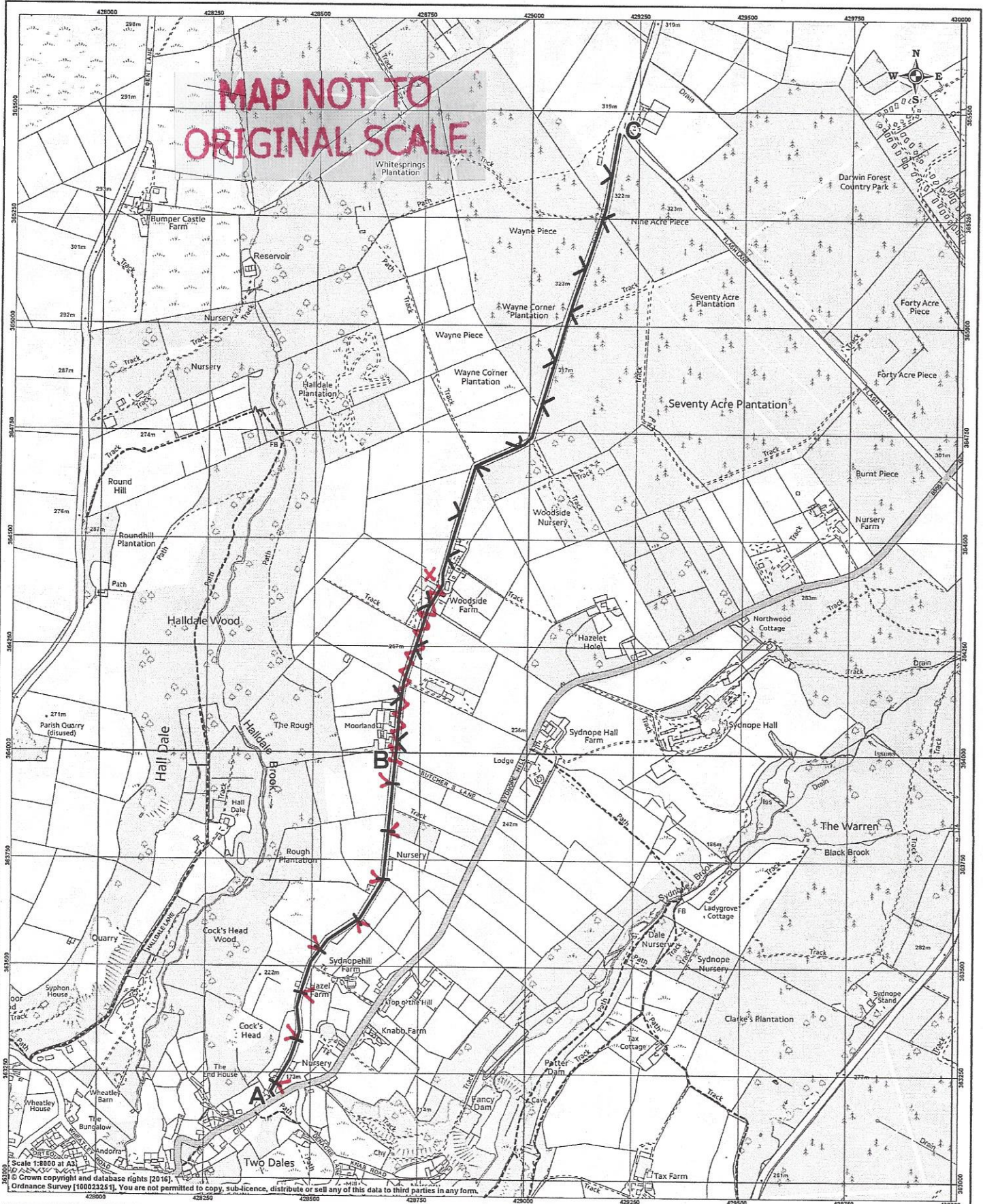
Mr N Cocking

DOCUMENTS

Additional documents submitted at the hearing

1. Representations submitted on behalf of the Trail Riders' Fellowship dated 25 June 2018 / Statement of Case
2. Further Statement of Case of Derbyshire County Council with appendices
3. Further Statement of Case of Mrs Mallinson & Ms Stubbs with appendices
4. User evidence statement from Mr J Higgs with accompanying photographs taken in 2013

MAP NOT TO ORIGINAL SCALE



Ref: TE/DC/X3268/Order/2816



Improving life for local people

Mike Ashworth
Strategic Director - Economy, Transport & Environment
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Produced by Public Rights of Way on 19 August 2015

Wildlife and Countryside Act 1981 Section 53

The Derbyshire County Council (~~Bridleway and~~ Byway Open to All Traffic along Back Lane - Darley Dale) Modification Order 2016

Key:
Bridleway to be added
Byway Open to All Traffic to be added
Existing Footpaths

