

6. **ACTION PLANS FOR THE MANAGEMENT OF RECREATIONAL MOTORISED VEHICLES IN THEIR USE OF UNSEALED HIGHWAYS AND OFF-ROAD (A7622/SAS)**

Purpose of the report

1. This report sets out how the Authority's strategy for the management of recreational motorised vehicles will be implemented for the year 2016/17. Detailed action plans for priority routes, illegal use and communications and updates on the progress made in 2015/16 are provided. The report also gives an update on progress with voluntary restraint.
2. **Key issues include:**
 - Progress on managing the impacts of recreational motorised vehicles
 - Green lanes as a valuable and accessible asset
 - Partnership working
 - The Authority's involvement and commitment to this area of work

Recommendations

3. **1. That the action plans at Appendices 3, 4 and 8 of this report are approved, that progress is noted and that a follow-up report be brought to this Committee in March 2017.**

How does this contribute to policies and legal obligations?

4. The work contributes to:
 - (i) Corporate Strategy 2016-19
Visitor experiences directional shift with the relevant focus to 'look after the whole Park as a public asset in a way that encourages access and responsible behaviour'.
The relevant key activities are:
 - Manage the rights of way network and access land to encourage enjoyment of the National Park
 - Encourage respect and understanding of the special qualities of the national Park by visitors through positive engagement.Connecting people directional shift with the relevant focus to 'improve access to the National Park for less represented audiences, in particular people living with health inequality'. The relevant key activity is:
 - Deliver a range of funded service interventions to people living with health inequalities.
 - (ii) National Park Management Plan – Partnership for Progress 2012-17
W14 under the welcoming and inspiring theme is the relevant outcome: Accessible and diverse recreation opportunities will be available for all, encouraging healthy living, enjoyment of the landscape and a sense of adventure.
The relevant delivery aims are:
 - Improve recreation opportunities for all, which encourage a sense of adventure, promote health and well being and are sustainable and appropriate to the National Park landscape
 - Have an integrated, well managed and inclusive rights of way and access network, which encourages responsible enjoyment by all
 - Work together to minimise damage and disturbance on unsealed routes
 - (iii) Strategy for the Management of Recreational Motorised Vehicles in their Use of Unsealed Highways and Off-road, and Procedure for Making Traffic Regulation Orders (TROs).

Background

5. On 1 October 2007, under the terms of Section 72 of The Natural Environment & Rural Communities Act 2006, National Park Authorities (NPAs) were given powers to make Traffic Regulation Orders (TROs). The accompanying guidance for National Park Authorities states that the powers are “part of a package of measures to control excessive or inappropriate use of mechanically propelled vehicles away from the ordinary roads network”.
6. A revised strategy and procedure for the management of recreational vehicular use and for making TROs was adopted in February 2012 (Minute 6/12). Members also resolved, in July 2011, to increase the resources available for implementing the strategy in order to accelerate the existing partnership work with Highway Authorities and the police and to extend this area of work across the whole of the National Park. As part of this detailed action plans were to be provided to this committee. A further extension of resources was agreed in October 2013 (Minute 49/13) and this was extended again until 31 March 2017.
7. The aims of the strategy are to work in accordance with statutory purposes and duties, in active partnership wherever possible, to protect the special qualities of the National Park which include its open landscapes, bio-diversity, cultural heritage and the settlements of its local communities. Where excessive or inappropriate use of mechanically propelled vehicles away from the ordinary road network threatens the existence, quality and enjoyment of those qualities and the sustainability of unsealed roads, the Authority will take appropriate action in line with the principles set out in the strategy.
8. In March 2015, this Committee approved actions for 2015/16 in the key areas of work required to deliver the strategy. Detailed action plans were provided for green lanes, illegal use and communications. It was resolved at the meeting that a follow up report for the period 2015/16 would be provided in 12 months’ time (Minute 17/15).

Green Lanes

9. Green Lanes are a particularly important part of the access network in the National Park. Their nature as relatively easy-going multi-user routes mean they provide important recreational links between villages and cycle trails and as key access routes to the wider network of rights of way. Many also have important cultural and natural heritage values and act as ‘green corridors’ through the landscape. In the Derbyshire part of the National Park there are approximately 150 unclassified roads (UCRs) and 26 Byways Open to All Traffic (BOATs); elsewhere in the National Park there are approximately 75 UCRs and 7 BOATs. These figures are approximate because of the ongoing process of legal status investigation undertaken by the Highway Authorities.
10. Routes which have or may have the potential to carry vehicle rights may be byways open to all traffic (BOATs) or unsealed unclassified roads (UCRs). BOATs are defined as highways over which the public have a right of way for vehicular and all other kinds of traffic, but which are used by the public mainly for the purpose for which footpaths and bridleways are so used. UCRs carry rights of at least those on foot but the legal status of UCRs remains to be determined by the relevant Highway Authority, irrespective of the use that takes place. Because of this uncertainty, UCRs are not always shown on Ordnance Survey mapping or are shown as Other Routes with Public Access (ORPAs).
11. The green lanes work to date has focused on managing recreational motorised vehicles on these routes to reduce impacts on the natural beauty and amenity of the National Park in accordance with our purposes, statutory obligations and the strategy. It was proposed to the ARP committee last year that, in addition to this work, the Authority should seek to develop and promote the National Park’s green lanes as an asset for all

by mapping the extent and distribution of routes and refreshing the sustainability analysis to better reflect the priorities with the Authority's strategy which focuses on our special qualities. This work is resource intensive but is proposed as a developing area of work for the forthcoming year.

Accessibility

12. In accordance with the Authority's ongoing duty under the Equality Act for decisions which may affect those with protected characteristics, improvements have been identified on those 4 routes where Traffic Regulation Orders (TROs) have been made. This includes surfacing improvements, improvements to structures, and opportunities for dedicated disabled parking. This is in addition to our commitment to provide access (on application) for disabled people who rely on road vehicles for access. A dialogue is maintained with representatives on accessibility issues and a section on accessibility is included in the TRO report attached in Appendix 1.
13. As part of the work to update green lane resource information, it is also proposed to identify routes which may be particularly suitable for less-able users.

Voluntary Restraint

14. Voluntary restraint is one of the management methods used to manage vehicular impacts on routes. Defra guidance (2005) states that '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.'
15. Although it lacks the legal enforceability of a legal regulation of use, the support and participation of the vehicle users gives voluntary restraint an element of 'buy-in' by vehicle users and self-policing. Voluntary restraint also has the advantage of being quick and flexible to implement, in order to tackle problems such as damage or disturbance on a route at particular times.
16. Appendix 2 sets out the guidelines for considering, implementing, and assessing voluntary restraint measures. During 2015/16, voluntary restraint was trialled on one of the identified routes (Minninglow Lane) and was implemented unilaterally by vehicle users at Wetton. Monitoring of use and the condition of these routes is on-going to evaluate the effectiveness. Voluntary restraint did not progress on the other identified route at School Lane because the proposal was complicated by the closure of the adjacent road at Great Hucklow due to instability. Further voluntary restraint on other routes with possible vehicle rights will also be accepted on application.
17. In 2016/17, opportunities for voluntary restraint will be explored where reductions in vehicle use can potentially reduce impacts on the special qualities of the National Park.

Priority Routes Action Plan 2016/17

18. The Priority Routes Action Plan (Appendix 3) identifies actions on 29 priority routes considered to be potentially unsustainable and requiring improved management. These were identified by way of a baseline survey in 2007 for the Derbyshire routes and 2012 for routes elsewhere in the National Park. There are 18 routes in Derbyshire and 11 in areas covered by other Highway Authorities. Routes where there are no longer any rights for motorised vehicles whether by way of clarification of legal status or traffic regulation orders are shown in the Illegal Use Action Plan (Appendix 4).
19. Actions are based on route objectives developed in line with the principles of the Strategy. Some of these actions are dependent on or awaiting actions by the relevant

Highway Authorities who have the responsibility for the determination of the legal status and the management of these routes.

The following actions are identified:

- Vehicle logging and monitoring on all 29 priority routes
- Proceeding with consultations on TROs on 3 routes
- Supporting voluntary restraint measures
- Compiling route summary reports for 5 routes
- Clarification of legal status by Derbyshire CC ongoing for 6 routes
- Repairs by Derbyshire CC proposed for 6 routes

20. The action plan is accompanied by background reports for the routes in Derbyshire, 4 routes in Staffordshire and 3 routes in Cheshire. These are available at www.peakdistrict.gov.uk/priorityroutes and shown in Appendix 6. Route action plans show issues, objectives, and past, present and future actions. Route summary reports provide details of use, condition, and consultations and replace the previous management plan format. The route action plans are updated annually. The route summary reports have been updated to incorporate latest use figures, legal status changes and environmental information.
21. Local Access Forum (LAF) recommendations have been provided for all the priority routes in the Derbyshire part of the National Park, the 4 routes in Staffordshire and 3 routes in Cheshire. The LAF will continue to assess the remaining priority routes within Sheffield and Kirklees with a view to route summary reports being prepared.
22. Appendix 6 groups the priority routes into various areas of work. For some of the priority routes, issues which originally resulted in their classification as 'may be unsustainable' may no longer apply such as the routes becoming cul-de-sac routes or where the repairs have successfully resolved concerns. Routes where repairs have been proposed and confirmed by the Highway Authorities are also shown and the action plan identifies where the NPA will continue to liaise with the Highway Authorities for repairs. For all priority routes, the need for continued monitoring remains.
23. Appendix 7 gives details of the work that has taken place in the last 12 months. During this period, there has been:
 - decisions to consult on TROs on 2 routes
 - voluntary restraint on 2 routes
 - route summary reports on 3 routes
 - legal status determined on 3 routes
 - Peak Park Conservation Volunteer work parties on 2 routes
24. Priority routes are the focus for concentration of resources, however, officers also offer advice and support and undertake work on other routes used by recreational motorised vehicles in the National Park. In addition, requests are made from time to time to add routes to the priority routes list for the National Park and/or to make TROs on these routes. During 2016/17, the Authority will seek to identify through the sustainability analysis the routes that fulfil the criteria appropriate to the special characteristics of the National Park.

Illegal Use Action Plan 2016/17

25. The Illegal Use Action Plan (Appendix 4) identifies the locations where motorised vehicle use is taking place, either on routes which carry no vehicle rights, routes which are permanently restricted such as by way of traffic regulation orders, or on land adjacent to routes with vehicle access. The action plan identifies those routes where detailed monitoring and actions are required.

26. All reports of alleged illegal use are investigated. Where routes are particularly sensitive, action plans have been produced and implemented. On the routes where traffic regulation orders have been made, detailed monitoring is undertaken. This is set out in Appendix 1.
27. Officers work with the Highway Authorities to ensure that illegal use routes are signed correctly and have appropriate barriers, where necessary. Officers work with the police to prioritise operations from information received and from vehicle logging.
28. The number of illegal use routes stands at 14. This includes 4 routes on which we have made traffic regulation orders. Appendix 7 sets out the work that has taken place within 2015/16.

Green Lanes Communications Action Plan 2016/17

29. The Communications Action Plan (Appendix 8) details actions to maintain and improve operational liaison and improve the availability of information via website, leaflets and newsletters. It focuses on the partnership approach to this area of work. This includes:
 - Liaising with the Highway Authorities on signage, repairs and maintenance, clarification of legal status, and traffic regulation as appropriate on priority routes and on other routes where issues have been identified, including those where illegal use is occurring
 - Working with the police on enforcement and education operations on the priority routes and illegal-use routes
 - Receiving advice from and facilitating the collation of route information by the Peak District LAF, an independent statutory group representing local communities, recreation users, conservationists and land owners
 - Establishing and maintaining a dialogue with vehicle user groups
 - Liaising with key partners including landowners, recreational user groups and communities
30. This action plan provides an overview of the role of the National Park Authority and the responsibilities of the Highway Authorities for the management of these routes. The Local Access Forum's input is also set out. Details of meetings with the Local Access Forum can be found at www.peakdistrict.gov.uk/laf.
31. Appendix 7 gives details of the work that has taken place in the last 12 months. During this period there has been:
 - Meetings of the LAF and site inspections by the sub-group
 - Meetings of a vehicle users group
 - The merging of the green lanes and access newsletters into a combined Access and Rights of Way electronic newsletter
 - Website updates to include access and rights of way information
 - Liaison meetings with Derbyshire and Staffordshire County Councils
 - Police liaison and operations

Priorities for Green lanes Work beyond 2017

32. The current fixed-term appointment of the Rights of Way Officer focusing on this area of work ends in March 2017, which makes forward planning beyond this time uncertain. A longer-term commitment will allow continuation of the nationally recognised progress made here to work in partnership with user groups and the Local Access Forum to address the continuing problems of impacts to the National Park's special qualities, whilst developing opportunities to improve overall access to the lanes and reconnecting people with these valuable assets.

Summary

33. The Strategy emphasises the need to protect the special qualities of the National Park and that responsible and sustainable use and a partnership approach is inherent in doing this. The action plans are a means to focus resources in 2016/17 with the involvement of those with remits for or an interest in mechanically propelled vehicles in the National Park. Longer-term proposals are also identified in the report for future work on developing green lanes as a recreational resource.

Proposals

34. It is proposed that the action plans at Appendices 3, 4 and 8 be approved.

Are there any corporate implications members should be concerned about?

35. Financial

The Authority budget planning (for 2015-16) included a proposal for increased resources this area of work until March 2017. This level of funding will allow continued progress on the matters identified in the Action Plans until March 2017.

36. Risk Management

There is an element of reputational risk to the Authority in respect of expectations on the part of third parties not being met. There is also the potential for legal challenge as a result of actions arising from the strategic stance set out. However the Strategy and Procedure are clearly grounded in respect of the Authority's legal powers and abilities and have been drafted within realistic parameters in terms of deliverability.

37. Sustainability

This report addresses sustainability issues in the context of both the National Park Management Plan and the Authority's statutory purposes, duty and legal powers.

38. Equality

The requirements of the Equality Act 2010 have been met in the consideration of actions and the ongoing requirements to have regard to the duty.

39. Background papers:

None.

40. Appendices

1. TRO Report – May 2016
2. Voluntary Restraint Guidelines
3. Priority Routes Action Plan 2016/17
4. Illegal Use Action Plan 2016/17
5. Priority Routes Map
6. Priority Routes Summary
7. Action Plans 2015/16 - Update
8. Green Lanes Communication Action Plan 2016/17

Report Author, Job Title and Publication Date

41. Sue Smith, Rights of Way Officer, 12 May 2016