

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 2017/18. Detailed action plans for priority routes, illegal use and communications and updates on the progress made in 2016/17 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 are a valuable recreational asset for a range of different uses and abilities
- The heritage and nature value of green lanes is important
- The Authority's involvement and commitment to this area of work
- Partnership working

Recommendation

3. **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 2018.**

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

WI4 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 annual action plans are to be provided to this committee. An extension of resources on a part-time basis was agreed in October 2013 (Minute 49/13), extended again until 31 March 2017 and made permanent in January 2017 (Minute 20/16).
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 May 2016, this Committee approved actions for 2016/17 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 would be provided in March 2017 (Minute 25/16). The action plans in this report cover the period May 2017 to March 2018.

Green Lanes

9. Green Lanes are a particularly important part of the public 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 and access. Many also have important cultural and natural heritage values and act as ‘green corridors’ through the landscape. They also provide for the study of nature and are accessible routes.
10. 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.
11. Routes which are or may have the potential to be motorised vehicular rights of way may be either BOATs or unsealed 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).

12. The green lanes work to date has focused on managing recreational motorised vehicles on a number of priority routes and on routes and areas where use is illegal so to reduce impacts on the natural beauty and amenity of the National Park in accordance with our purposes, statutory obligations and the strategy. In light of the long-term commitment to this work, the Authority also has the opportunity to emphasise the value of green lanes by refreshing the route prioritisation to reflect the National Parks' special qualities and through mapping and signage improvements to develop the access network.

Accessibility

13. In accordance with the Authority's ongoing duty under the Equality Act for decisions which may affect those with protected characteristics, improvements have been either identified or made on the 5 routes where Traffic Regulation Orders (TROs) have been made. This includes surfacing improvements, improvements to structures, opportunities for dedicated disabled parking and supporting guided events. 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 accessibility is considered at each of the routes where TROs have been made and reported in the TRO report attached in Appendix 1.
14. 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 and to promote within the Miles without Stiles work being undertaken this year.

Voluntary Restraint

15. 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.'
16. 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 for 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.
17. Appendix 2 sets out the guidelines for considering, implementing, and assessing voluntary restraint measures. The trial of voluntary restraint at Minninglow Lane has been continuing in 2017 with its effectiveness being evaluated by monitoring of use and route condition. 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, and a temporary width restriction on the route itself.
18. In 2017/18, voluntary restraint is proposed to continue at Minninglow Lane, is being proposed at Moscar and is identified for School Lane as appropriate. Further opportunities for voluntary restraint will be explored where reductions in vehicle use can potentially reduce impacts on the special qualities of the National Park and where it will help to meet identified route objectives. Further voluntary restraint on other routes with possible vehicle rights will also be considered on application.

Priority Routes Action Plan 2017/18

19. The Priority Routes Action Plan (Appendix 3) identifies actions on 26 priority routes

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 15 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).

20. 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 route management.
The following actions are identified:
- Vehicle logging and monitoring on all 26 priority routes
 - Proceeding with consultations on a TRO on 1 route
 - Concluding the making of a TRO on 1 route
 - Supporting voluntary restraint measures
 - Clarification of legal status by Derbyshire CC ongoing for 4 routes (one of which is now subject to a TRO)
 - Repairs by Derbyshire CC proposed for 6 routes
21. The action plan is accompanied by background reports for the routes in Derbyshire, 4 routes in Staffordshire, 3 routes in Cheshire, 2 in Kirklees and 3 in Sheffield. 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.
22. The compilation of route information for all the priority routes has now been completed. Local Access Forum (LAF) recommendations have been provided for all the priority routes.
23. 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 and where funding has been committed 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.
24. Appendix 7 gives details of the work that has taken place in the last 12 months. During this period, there has been:
- Consultation on an amendment to a proposed TRO on 1 route
 - Reporting of TRO consultations and decisions made to make TROs on 2 routes
 - TRO made on 1 route (see Appendix 1 for summary of TRO work by the Authority)
 - Voluntary restraint on 1 route
 - Route summary reports on 5 routes
 - Legal status determined on 2 routes
 - Peak Park Conservation Volunteer work parties on 2 routes
25. The 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 either by the Authority or the relevant Highway Authority using their available powers. During 2017/18, the Authority will seek to identify through the refreshment of criteria that which is most appropriate to the special characteristics of the National Park.

Illegal Use Action Plan 2017/18

26. 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.
27. 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.
28. 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 their enforcement from information received and from vehicle logging.
29. The number of illegal use routes currently stands at 17. This includes 5 routes where the Authority has made traffic regulation orders. Appendix 7 sets out the work that has taken place within 2016/17.

Green Lanes Communications Action Plan 2017/18

30. The Communications Action Plan (Appendix 8) details actions to maintain and improve operational liaison and improve the availability of information. 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
 - Participation in a national Motor Vehicle Stakeholder Working Group (MSWG) commissioned by Defra.
31. 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.
32. 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 Green Lanes Sub-group
- Meetings of the MSWG which includes vehicle user groups and other stakeholders
- Information through the Access and Rights of Way electronic newsletter
- Liaison meetings with Highway Authorities
- Police liaison and operations

Priorities for Green lanes Work beyond 2017

33. The longer-term commitment made to this work allows for the continuation of the nationally recognised progress working in partnership with all parties 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 routes.

Summary

34. 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 with the involvement of others. Longer-term proposals are also identified in the report for future work on developing green lanes as a valuable resource.

Proposals

35. 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?

36. **Financial**

In May 2016, Members supported an investment proposal framework which included adding £26k to the baseline budget to deliver the green lanes action plan. This level of funding will allow continued progress on the matters identified in the Action Plans.

37. **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.

38. **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.

39. **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.

40. **Background papers:**

None.

Appendices

1. TRO Report – May 2017

2. Voluntary Restraint Guidelines
3. Priority Routes Action Plan 2017/18
4. Illegal Use Action Plan 2017/18
5. Priority Routes Map
6. Priority Routes Summary
7. Action Plans 2016/17 - Update
8. Green Lanes Communication Action Plan 2017/18

Report Author, Job Title and Publication Date

Sue Smith, Rights of Way Officer, 11 May 2017