

Annex A

The Proposed Policy and Strategy to manage recreational vehicular use of unsurfaced highways in the Peak District National Park.

Introduction

This document proposes a new policy and strategy to manage recreational vehicular use of unsurfaced highways in the Peak District National Park, generally referred to as 'off-road' motor vehicle use.

The policy is intended as a statement of priority and action for the Peak District National Park Authority (*The Authority*), working in partnership with all interested parties. However, it is important to recognise at the outset that The Authority is not the Highway or Surveying Authority, and whilst certain powers will shortly become available, that The Authority remains a partner, rather than taking the lead, on almost all highway matters. The Authority does however have a large number of staff on the ground, and such staff have significant local knowledge both of the historic nature of these routes, where problems are most frequently encountered and where opportunities exist for proactive work. Furthermore, Authority staff frequently deal directly with the public and can form a vital link for disseminating information directly to users as well as being in an ideal place to provide on site information in terms of signage and ensure that such signage is frequently maintained.

It is also important in setting out this document to reflect the very real concerns many people have for damage that is occurring to many trails across the National Park. The policy looks into this issue and suggests various courses of action that may eventually lead to legal restrictions (Traffic Regulation Orders). In setting out our proposals we have looked at best practice across the country and have suggested a way forward. We have also stipulated a timescale for this policy to be re-examined to see if it is having the desired effect. If it is not working, we will look again at our policy.

This document builds on the work initiated by the vehicle user groups themselves in the late 1990s to develop a voluntary management scheme, which started the process of sustainability classification and promoted the code of conduct outlined in Annexes B and C of this report.

More recently, Derbyshire County Council (DCC), which forms the predominant Highway Authority within the National Park, has undergone an Improvement and Scrutiny Committee investigation into the use of motorised vehicles in the countryside. The latest committee reports are copied in Annex B. This detailed investigation forms the backbone of our plan of action and we will fully support the County Council in delivering the recommendations. Annex C shows the Code

of Conduct recommended by Derbyshire County Council in relation to off-road users. A large-scale survey of 'other routes with public access' has recently taken place in Derbyshire, with 179 routes physically surveyed. This work will be invaluable in helping us to identify issues and enable us to see what actions reap genuine results in terms of providing safe routes to use. One proposal that is already being looked into on the back of this survey is the creation of a proposed hierarchy of trails, with a list of proposed voluntary restrictions being considered (see Annex B).

This document seeks to ensure equality of opportunity, safety of all user groups and to take a proactive approach to clarify the situation for all users. Our aim is to identify who can go where and try to publicise this information to as many relevant parties as possible. It also sets out criteria for action, however, once again it is vitally important to stress that The Authority is part of the process, not the lead, and vitally, regular police action must form part of the action to be successful in dealing with issues of vehicular trespass.

In setting out our policy we are mindful that we need to ensure that users can not only use these routes in safety, but that landowners should be made aware of their legal obligations equally as much as they would with all other forms of rights of way, perhaps even more so bearing in mind the nature of the issue. We are most anxious to avoid a polarisation of opinions that may lead to potentially dangerous misunderstanding and ignorance of the facts regarding vehicular access.

The policy and strategy recommends an approach that will attempt to assist in the proactive management of the routes in question, however, where there is an *irreconcilable* situation that cannot be resolved by proactive action and management the needs of conservation will take precedent over those of access, in line with Sandford Principle (Environment Act 1995, circular 12/96).

Finally, Annex D sets out our approach to possible future TRO powers and how we initially intend to use them. Again this will be subject to future scrutiny as the policy is reviewed.

The document will first deal with the **background** of the issue, before setting out the **scale** of the issue, **our aims**, the policy then goes on to making recommendations into **future action**, finally a **statement of partnership working** is made, as a coordinated, inclusive policy must have the support of all partners, including crucially the Highway Authority, Police and, especially, relevant user groups.

Background

In 1999 the National Park Authority agreed a process of partnership working with representatives of the Highway Authority and motor vehicle organisations towards the drawing up of a scheme of management for routes in the north-west part of Derbyshire. The process was called the 'Peak Park Hierarchy of Trail Routes Initiative' (HoTR).

The initiative was proposed by the user groups themselves seeking to address difficulties that arise through motor vehicles using unsealed lanes in the National Park. This included work to address issues of conflict with residents and other users and taking steps to minimise damage to the route surface.

This new policy and strategy will build on the HoTR within the more recent legislative framework, and the framework drawn up by Derbyshire County Council in Annex B. The initiative will be developed to cover the whole National Park, promote a new the Code of Conduct (Annex C) and implement, in partnership, a programme of management measures.

Policy Background

For recreation, the new National Park Management Plan has the following overarching outcome:

7. Recreation and Tourism

By 2011, all people, visitors and residents alike, especially those from under represented groups including disadvantaged communities, children and young people and the elderly should:

- feel welcome in the National Park; and***
- have the opportunity to participate in diverse recreational activities that enhance the quality of their lives.***

The Authority has responded by setting its own overarching corporate outcome for recreation which is:

D. People feel welcome in the National Park and have the opportunity to participate in recreational activities that enhance the quality of their lives. (NPMP 07)

The relevant National Park Management Plan actions therefore read as follows: -

1. Shift emphasis from passive to active recreation provision for visitors and local residents, pursuing, in addition to walking, a targeted

promotion of active sports such as cycling, mountain biking, and canoeing in suitable locations and subject to appropriate controls.

2. *Develop ways to positively manage motorised recreation in ways that are legal and sustainable.*

Various events and consultations have also assisted in the creation of this policy. Staff workshop on recreation 2004, the Recreation Forum 2005 and 2006, Parish Councils days, public meetings such as the Hope Valley Forum and the Stanage Forum have all helped not only to emphasise the strength of feeling on the issue, but also contributed to the overall debate.

The Scale of the Issue

Derbyshire

A detailed physical survey of routes with potential vehicular rights within Derbyshire's portion of the National Park was undertaken in 2005/06 – some 179 routes were surveyed. Routes were identified by DCC for the survey by being represented on Ordnance Survey Explorer Maps as being '*other routes with public access.*'

- **There are approximately 179 *other routes with public access* within the Peak Park area of Derbyshire.**
- **Around 30 routes (former Roads used as a public path (RUPPs) (see below) have been redesignated as Restricted Byways by the Countryside and Rights of Way Act 2000**
- **There are 106 Routes claimed as Byway Open to All Traffic before the cut of date of 20 January 2005 and being investigated by Derbyshire County Council.**
- **There are 2 Byways Open to All Traffic.**

The Natural Environment and Rural Communities (NERC) Act 2006 prevents the claiming of any future vehicular rights through historical evidence except on those routes recorded on the list of streets as non classified highways (NCHs) where dual status is not an issue. Indeed as the status of these routes is in itself unclear, the resolution of these rights and their recording on the Definitive Map would be welcomed.

**When the definitive maps were originally created it seems that the intention was that the definitive map should show some kind of unmetalled tracks sometimes referred to as green lanes which, notwithstanding that they carried vehicular rights, were in practice suitable for, and mainly used by, walkers and riders. Such routes were often shown as Roads used as a public path (RUPPs).*

Some authorities showed such routes as CRB (carriage road used mainly as bridleway) or CRF (carriage road used mainly as footpath).

The category of RUPP proved unsatisfactory. The problem was caused by the failure of the act defining such routes to make it clear whether RUPPs were subject to vehicular rights.¹

Non classified highways (or unclassified county roads as some authorities refer to them) is a term created by the Local Government Act 1929 and abolished by the Local Government Act 1972 to describe a highway maintainable at public expense. Again vehicular rights are by no means certain on any such routes.

Barnsley

- **No Byways Open to All Traffic.**
- **2 routes claimed as Byway Open to All Traffic** before 20 January 2005.
- **No other routes with public access.**
- **No restricted byways.**

Cheshire

- **No Byways Open to All Traffic.**
- **1 route claimed as Byway Open to All Traffic** before 20 January 2005
- **12 other routes with public access** (and which largely have unsealed surfaces).
- **2 Restricted Byways.**

Kirklees

- **1 Byway Open to All Traffic.**
- **No routes claimed as Byway Open to All Traffic** before 20 January 2005
- **2 other routes with public access.**
- **No Restricted Byways**

Oldham MBC

¹ Rights of Way – A Guide to Law and Practice – Riddall and Trevelyan – 3rd Edition 2001

- **Has no valid Byway Open to All Traffic claims, nor any ‘other routes with public access.’**

Staffordshire

- **No Byways Open to All Traffic.**
- **1 route claimed as Byway Open to All Traffic** before 20 January 2005.
- **29 other routes with public access.**
- **No restricted byways.**

Sheffield

- **5 Byways Open to All Traffic.**
- **1 route claimed as Byway Open to All Traffic** before 20 January 2005
- **12 other routes with public access.**
- **No restricted byways.**

Total amount of possible routes

There are therefore approximately **340 routes with possible vehicular access** within the National Park, with **106 outstanding claims for Byway Open to All Traffic**. to be resolved. **There are 8 Byways Open to All Traffic.**

This does not include routes where motor vehicles are using public footpaths and bridleways, the data for which is not yet available.

Public Rights of Way Network in the National Park

The overall length of the rights of way network in the National Park (all figures approximate, in kilometres):

Public Footpath	2136
Public Bridleway	293
Byway	30
Unclassified Road	546
Concessionary Paths	210
Total Length	3005 kilometres

Our Aim

We will work with partners to assist in:

- 1 Ensuring that information is available as to where vehicular rights legally exist, that the routes are signed and widely recognised on a sustainable basis.**
- 2 Prioritising the Conservation and Enhancement of the National Park.**
- 3 Legally recognised routes are proactively managed.**
- 4 Managing the unsurfaced road network and the demand for use with a view to ensuring sufficient control on the basis of impact on natural beauty, wildlife, cultural heritage and quiet enjoyment.**
- 5 To manage the network in line with the Sandford Principle.**
- 6 Protecting landowners and users where there is a health and safety issue.**
- 7 Where issues of erosion and damage exist, to work with user groups in a spirit of cooperation to try to minimise and repair damage with the use of voluntary restrictions if necessary.**
- 8 Where vehicular rights are proved not to exist that the Authority work with the HA, user groups, rangers and the police to ensure that information is available to users both on site, at visitor centres, in locations such as local shops and pubs, and on the internet as well as utilising a promotional newsletter (q.v.) to inform users directly.**
- 9 To act as a base for the proactive distribution of information for all interested parties.**
- 10 Where the use of voluntary restraint fails, to consider if a temporary or permanent TRO is appropriate.**
- 11 The identification of those using vehicles illegally and communication of this information to the police.**

Future Action

With such a large discrepancy between the number of potential routes and those which can be used legally, it is vital to ensure that information is made available as soon as possible.

The actions proposed integrate the need to disseminate information whilst working in cooperation with all parties. It is vital that The Authority works proactively wherever possible, and the provision of accurate information to legitimate users is a vital early step. Actions are not dealt with in a specific order of priority but some actions (such as the provision of information) will inevitably require others actions to be completed first.

Action 1 – Work with Derbyshire County Council within the framework of its own proposals for defining sustainable and unsustainable routes in Derbyshire and to assist in implementing its Code of Conduct for Vehicle Users in the Countryside.

These documents are attached as Annex B and C.

Action 1 (A) – To work with Derbyshire County Council to implement the above policies across the National Park as a pilot area both for DCC and The Authority

Action 1 (B) – That after a period of 12 months the effectiveness of the above actions are discussed by Local Access Forums for both Derbyshire and the National Park and, if deemed to be successful, other authorities within the park are approached with a view to rolling the actions out across the park as a whole.

Action 2- Prioritising Review of Rights

It is vitally important that Authority staff work closely with Highway Authorities to pass on priorities for review of claims to ensure that routes where ambiguity exists and is causing the most disruption are dealt with effectively and expediently.

Action 2 – That Authority staff coordinate an ongoing list of priorities for Highway Authority staff to consider in approaching reviewing claims for Byways Open to All Traffic (BOATs). The initial requests for priority are – those claims within Hope Woodlands 5 (and the extension into Hope 32), 12, 13 and 14, Great Longstone - More Lane to Castle Gate Lane, claim to upgrade Restricted Byway 21, Grindlow/Foolow claim to upgrade Restricted Byway 6 and 10, Rowland claim to upgrade Restricted Byway 6 and Taddington claim to upgrade Public Footpath 45. A secondary group of claims will be forwarded once significant progress on this first group has been made.

Action 3 – Baseline Surveys

Derbyshire County Council has already carried out a condition survey on many of the routes that may have vehicular rights in the County. This baseline data is not only useful in ascertaining evidence of physical conditions in relation to sustainable use but also will be invaluable in years to come to provide cost estimates for proactive management of the paths.

The next stage of such surveys is to utilise the information with the DCC survey coupled with other factors such as demand and location to form a hierarchy of trails. Methodology for this is set out in Annex B.

Action 3 (A) – That ranger staff carry out a full condition survey on all possible vehicular trails – utilising the procedure set out in Annex C and a ‘Hierarchy of Trails’ is created.

Action 3(B) – That, in line with the Hierarchy of Trails for the Lake District National Park, all routes identified as red or amber routes are surveyed twice a year to identify issues.

Accurate user information will assist in not only addressing how priorities are given in terms of ensuring transparency and fairness for the general public but how effective measures are in addressing both problems and user numbers on routes where BOAT status is proved. This will also be vital in ensuring proactive management of Byways which carry motor vehicles in the future.

Action 3(C) That Authority staff survey use of routes on a case-by-case basis; this could be carried out using volunteer staff. Routes should be identified and prioritised in terms of how useful accurate information on users will be. It is recommended that each route is surveyed in summer and winter. This data should be collected for routes where, for example, TROs are promoted, where routes are legally resolved, and to assist the police in identifying hotspots.²

Action 3(D) Consideration is given to purchasing electronic data loggers to supplement the work of ranger staff.

Action 4 – Better General Information for the Public

Providing the public with up to date information, in terms of accurate status of routes, the progress on orders and resolution of orders will not only ensure that the public are aware of the issue as a priority for the Park, but also that users can have accurate information about route status when planning visits.

‘Work for the Countryside Agency...resulted in recommendations to minimise conflict on such routes...One of the key recommendations was the use of information panels at the access points of shared routes. Among other items, the panel should include details of any code of conduct, a contact person to receive

² The Nidderdale Area of Outstanding Natural Beauty Management Plan 2004-2009 includes an action to identify areas where problems with recreation motor vehicles occur, to monitor the incidence of these problems and to establish baseline data. The desired outcome is a better understanding of the scale and location of the problems.

comments, complaints and reports of conflict, and The Authority responsible for the route.³

Action 4(A) An area of the Peak District National Park Authority website is set aside for off-road motor vehicle information, this site should have the latest information on progression of claims, information on what has been claimed and what is restricted byway, copies of codes of conduct and downloadable guides, as well as newsletters (q.v.). Such a site should include a link to the DCC Register of requested Definitive Map Modification applications.

Action 4 (B) Not everyone has access to the web, and so printed information should also be made available at ranger bases, visitor centres and other applicable sites.

Action 4(C) The Authority works with user groups and DCC to promote a code of conduct that shall be adopted as the official code of conduct for motor vehicle users in the National Park (in accordance with the recommendations of the DCC scrutiny panel) and provides this to all relevant users as well as at information centres and ranger bases. This code of conduct should be widely available – on the internet, at visitor centres, and other locations.

Action 4(D) The Authority should work with Derbyshire County Council Officers to investigate the provision of signage at access points of shared use routes.

Action 5 – Working in Partnership

*'Working with byway users is an important factor in overcoming conflict.'*⁴

Partnership will be vital in delivering a recognised, sustainable network of off-road routes and to minimise the effects of illegal vehicular use. There are several key partners in this relationship – the Highway Authority, user groups, and police are the three key partners, however, working with other National Park authorities to produce a cohesive approach to this issue at a national level will also assist all parties involved.

Action 5(A) – That frequent meetings take place between The Authority, highway authority, police and users to ensure transparency in the process. An email list of relevant staff is set up and notes of all meetings are passed

³ Making the Best of Byways – Defra 2005

⁴ Making the Best of Byways – Defra 2005

to everyone on the list. An update newsletter (q.v.) will assist greatly in this matter.

Action 5(B) – The Authority seeks to be involved in setting up a best practice group looking at work at a national level to ensure a cohesive national policy on off-road motorised vehicles in national parks.

Action 6 - Enforcement Action

One of the most crucial aspects of this issue will be the appropriate policing of routes where vehicular rights do not exist. With such a large stock of such routes it will be necessary to supply the police with up to date information on hot spots and the best times for action.

Action 6(A) - That Authority staff co-ordinate a list of hotspots where criminal offence involving off-road motor vehicles occurs. Using this information we will work in partnership with the Highway Authority, and a list of sites for possible police operations will be drawn up and the police requested to carry out operations using powers under the Police Reform Act 2002 or other powers that, in their opinion, will prove effective. On days of police operations, police could be assisted by Authority staff who will act as spotters for police operations, reporting on motor vehicles in the area of operations. This list should be continually monitored and updated by Authority staff.

Action 6(B) – That the police are asked to train Authority staff on how to report illegal off road use, the types of information and statements that will be useful and how to communicate this to the general public.

It is vitally important to stress that close work and cooperation with the police is vital in delivering success in relation to criminal offence.

Action 7 - Voluntary Restrictions

In relation to the sustainability of routes, it will be necessary to work with DCC to establish where voluntary restrictions should be applied – to those routes solely with BOAT status, those registered as Non-classified county roads, or include routes where claims have been made for Byway status.

Action 7 – That NP staff work with Derbyshire County Council staff to implement a voluntary code of conduct and restriction policy.⁵

Action 8 – Traffic Regulation Orders and other powers

Traffic Regulation Orders (TROs) are a regulatory tool by which local authorities may restrict access to specified highways. Although generally used to regulate traffic on the ordinary roads network, they can also be used to control damage and nuisance caused by off-road vehicles on rights of way and unclassified roads. They can also be used to restrict certain types of vehicles or even ban vehicular traffic altogether in areas where there is a really serious problem. Orders may be made to prohibit, restrict or regulate the use of a road or any part of the width of a road by traffic or pedestrians. They may be made on a long-term or experimental basis.

The needs of the disabled must be considered both when deciding whether a TRO is an appropriate response and when considering what type of physical barrier is required in order to ensure compliance with a TRO.⁶

Traditionally such powers rested with the Highway Authority, but in the near future the National Park Authority will also be granted such powers.

Annex D outlines a policy for The Authority regarding TRO powers. TRO powers have rested with the Highway Authority for many years. A total of 3 TROs have been applied in Derbyshire to routes in the National Park. In recognising that TROs may have some uses within the National Park The Authority has to take into account both the practical issues, and the ability of the Highway Authority to enforce such an order.

Action 8 – That the TRO policy set out in Annex D is adopted by The Authority and the powers used under the criteria set out within that document. This policy should, as with other documentation within this report, be made available for the public via the internet.

Action 9 – Updating all interested parties

It is of course crucial to regularly update all who are involved in motor vehicle issues across the park, including not only rangers and Authority staff, but the police, user groups and members of local access forums as well as others who have expressed an interest.

⁵ Countryside Agency Research (Uzzel, D. et al, 2002) recommends that authorities work with user groups to develop a culture of 'thoughtful and tolerant use'. A code of conduct, focussing on the rights and responsibilities of all user groups, was considered desirable to support development of this culture

⁶ Institute of Public Rights of Way Management Good Practice Guide

Action 9 – That a newsletter ‘Off Road Motor vehicles in the Peak Park’ is produced on a semi-regular basis (reporting on progress on an ‘as and when’ basis owing to the nature of legislative timescales). This newsletter should be forwarded to members of motor vehicle user groups via their head offices, as well as other user groups and interested parties. A database of addresses should be set up and held by the National Park Rights of Way Officer to facilitate this.

Action 10 – Helping to improve the safety of routes and minimise the impact of motor vehicles through areas of housing, farmyards and other places where there is a degree of potential conflict

We wish motor vehicle users to respect the safety of those whose property is passed, and wish to work with landowners to ensure that where vehicular rights exist, that they are used in a safe way, and that the effects of noise and disturbance is minimised.

Action 10 – That The Authority works with Derbyshire County Council to investigate funding for the provision of a variety of appropriate signs that may be installed on routes where such issues highlighted above exist.

Action 11 – Openness

We will ensure that our process is as transparent as possible, ensuring that the public will be able to have confidence in the openness of our policy.

Action 11 – That six-monthly reports are posted on the Peak District National Park Authority website, itemising progress against each action point listed above.

Action 12 – Listening and Learning

This policy is intended to be a flexible document, that is to say that as experiments take place, views of user groups and local people are obtained and ideas investigated, some things will work and some things will not. This policy will therefore inevitably have a variety of versions as it develops over the years. Version 1.3 is merely our first take on the issue, and when we listen and learn our policy may change to reflect this.

Action 12 – Version 1.3 of this document is merely our first take on the situation having consulted with various interested parties including Derbyshire County Council. We will be flexible in listening and learning, both from users, local people, and from work at a National level. As the policy changes we will issue new advice and make it widely available to the

public. An annual review of this policy will take place and if necessary, any major changes will be reported to Members for their opinions.

Action 13 – The Values of the Park

Tranquillity and quiet enjoyment are valued commodities within the National Park, and we will seek to maintain these values, and ensure sufficient control on the basis of impact on natural beauty, wildlife and cultural heritage whilst recognising the needs of the motorised vehicle user groups.

Action 13 – In looking at proactively managing off-road motor vehicle access we will seek to engage with user groups and other interested parties to ensure the sustainability of the core commodities of the National Park. For example, if in the interests of conservation and in line with the Sandford Principle it would be better if certain routes were not used at certain times of the year we may seek to implement voluntary restrictions on that route, if voluntary restrictions do not succeed we will consider the relevant values of making a TRO.

Statement of Partnership Working

The Authority has twin purposes under the Environment Act 1995 to:

- ***conserve and enhance the natural beauty, wildlife and cultural heritage of the area***
- ***to promote opportunities for the understanding and enjoyment of the parks' special qualities by the public***

While carrying out these purposes it also has a "duty" to seek to foster the economic and social well-being of the communities within the National Park.

These purposes have a direct impact upon the situation regarding off-road motorised vehicles in the National Park – the park has a duty to conserve the area but also open it up for user groups, this situation can cause confusion and needs clarification.

In relation to the use of unsurfaced routes The Authority wishes to see the status of all routes resolved so that information can be given to the public, such routes can then be investigated with a view to proactive management and where necessary, work with user groups to bring in voluntary restraint. Where such restraint does not work, that the use of higher powers is investigated. In pressing for the resolution of the status The Authority recognises the large backlog of work that Highway Authorities have.

The Authority can play a vital role in the dissemination of information both on the ground and via other avenues of communication. Without regular communication there is a danger that members of user groups will become frustrated and instead of working in partnership they work in isolation. The Authority can act as

an ambassador between the various groups involved in the process and issue and seek to clarify where possible, the situation by the provision of clear communications.

The Authority therefore sees a significant part of its role in promoting communication, liaison with user groups and provision of information to the public and will work in partnership with interested parties to maximise understanding. The Peak District National Park Authority Rights of Way Officer shall act as a focal point for this information and it will be the duty of the post to ensure that relevant information is forwarded to the correct parties. The present post holder is Richard Pett, contact details are 01629 816295, richard.pett@peakdistrict.gov.uk these contact details should be made widely available to users and relevant parties.