

Annex B - Derbyshire County Council - Improvement and Scrutiny Committee Sustainable Communities/Cultural and Community Services

15 March 2006

Report of the Strategic Director – Environmental Services

Proposals for Defining Sustainable and Unsustainable Routes in Derbyshire

(1) Purpose of Report For members of the Improvement and Scrutiny Committee to be informed of the proposals for defining Sustainable and Unsustainable Routes.

(2) Information and Analysis Derbyshire County Council's Improvement and Scrutiny Committee – Environment and Highways Panel has undertaken a review of the use of motorised vehicles in the countryside.

As part of this process members of the two Local Access Forums and other users have been consulted by the Derbyshire County Council's Improvement and Scrutiny lead officer Mark Pirnie.

Issues arising out of the review relate to the uncertainty over the legal status of routes; conflict between users; physical deterioration and environmental damage and disturbance.

Subsequently the Scrutiny Panel has established an Action Plan which is assisting officers to develop policy and network management.

This Action Plan incorporates provision for the proposals for defining Sustainable and Unsustainable Routes.

Following this period of consultation the Methodology for defining Sustainable and Unsustainable Routes shown in Appendix A has been drawn up.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality of opportunity; and

environmental, financial, health, legal and human rights, personnel and property considerations.

(3) **Background Papers** DEFRA Statutory Guidelines with respect to Rights of Way Improvement Plans (Statutory Guidance to Local Highway Authorities in England – November 2002). Making the Best of Byways DETR 1997 and revised edition published in December 2005.

(4) **Officer Recommendation** That following consultations with the two Local Access Forums and users Officers recommend to the Derbyshire County Council's Improvement and Scrutiny Committee:

- 4.1 That Derbyshire County Council adopts the Methodology for defining Sustainable and Unsustainable Routes.
- 4.2 That a pilot study be undertaken to assess the practicality of the procedure.
- 4.3 That users be encouraged to contribute to the work of the panels.
- 4.4 That a review of the system be carried out after the completion of the pilot exercise involving the combined Local Access Forum motor vehicle sub-groups.

David Harvey
Strategic Director – Environmental Services

SC/GH/JP/PH
9 March 2006

Appendix A

Methodology for defining Sustainable and Unsustainable Routes

Guiding Principles

The methodology is undertaken to continue to promote access within the County. Where there are problems it is recommended that solutions are sought through consensus.

To follow DEFRA Statutory Guidelines with respect to Rights Of Way Improvement Plans (Statutory Guidance to local Highway Authorities in England November 2002) Section 2.2.22. *There is potential for conflict on ways carrying higher rights between different classes and types of users. Wherever possible proposals for improving rights of way should not unduly benefit cyclists, harness-horse drivers, horse riders or walkers should not unduly restrict lawful motorised use of public vehicular rights of way. Proactive management to deal with the issues of proper recording of rights, maintenance and shared use can bring benefits to all users. The management principles set out in Making the Best of Byways DETR 1997 may be used to avoid conflict over the use of byways that are regularly used by motor vehicles, and a revised edition is to be issued shortly to assist local authorities in their work.*

The revised edition was published in December 2005.

In the Revised edition further advice is given in support of the methodology and code of conduct in relation to resolving conflict and seeking consensus.

This is shown in section 2.1 *Conflicts between user groups. However, conflicts between users do occur, particularly where there is significant use of byways for recreational driving and use by other non mechanical propelled users. Where conflict occurs, authorities should examine the nature and causes of this conflict and establish measures to minimise its occurrence. This might include forming a local byway users group to discuss, resolve problems, erect byway signs and develop a code of conduct.*

Stage One – Collect Baseline Information

Action: Derbyshire County Council Rights of Way inspector to carry out, collecting all available factual information. Users and keep the relevant Parish Council informed.

A useful tool would be to make use of the flow diagram showing an approach to finding an appropriate response to byway problems on page 2 of the DEFRA document, making the Best of Byways December 2005.

1. Map of location and route ref. no., and whether it links into a network
2. Legal status of the route
3. Route surfacing and description (from 2005 survey)

4. Statutory designations affecting the route, e.g. SSSI, Ancient Monument
5. Other designations affecting the route, e.g. Local Nature Reserve, Sites of Importance for Nature Conservation and local significance
6. Landscape Character
7. The Route is surveyed in both summer and winter taking into account the check list of factors to be considered on page 18 of the DEFRA document , making the Best of Byways December 2005
8. Explore the potential for byway user groups to be established.

Stage Two – Initial Assessment

Action: Rights of Way inspector, DCC Ranger/ Peak Park Ranger or Highway Inspectors, Users and keep the relevant Parish Council informed.

This is intended to provide a quick review of all routes to place each into one of three broad categories:-

- ~ Sustainable
- ~ Unclear
- ~ Maybe unsustainable

Method:

Answer the following questions In relation to the factors listed in Stage One:

1. Does the route show serious signs of physical damage resulting from usage?
Yes/uncertain/No
2. Is the route subject to any protective designation (for heritage or wildlife)?
Yes/uncertain/No
3. Have there been any complaints about vehicular use conflicting with other uses?
Many/Some/None
4. Is the character of the route being damaged by vehicular use?
Yes, a lot/Yes, a bit/No
5. Is the free passage of non motorised users being prejudiced?
Yes, a lot/Yes, a bit/No

Each positive response registers '*may be unsustainable*' each negative response registers '*sustainable*' and other responses register '*unclear*'. On the basis of the answers, the route can be provisionally categorised into:

- ~ Sustainable
- ~ Unclear
- ~ Maybe unsustainable

- ~ One or more '*Maybe unsustainable*' responses will put the route in the '*Maybe unsustainable*' category at this stage.
- ~ No '*Maybe unsustainable*' responses but one or more '*Unclear*' responses

will put the route in the '*Unclear*' category at this stage.

~ All '*Sustainable*' responses will put the route in the '*Sustainable*' category at this stage

Stage Three – Prioritised review

Action: Assessment Panel

Routes would be referred to one of two panels of assessors, as appropriate to their location. The panel would consider the provisional '*Maybe unsustainable*' routes first and '*Unclear*' routes second.

It is proposed that there would be two Local Access Forum Panels, one for the Peak District and one for the rest of Derbyshire and Derby. Each panel would be nominated by their Local Access Forum and seek to represent an appropriate range of interests to include representatives of motor vehicle users, other users, landowners and conservationists.

The five questions would be reassessed on a more detailed basis with the benefit of a site visit and informed advice. Any route which still fell within the '*Maybe unsustainable*' or '*Unclear*' sectors following reassessment would be considered as to whether it could be moved into the '*Sustainable*' category by applying appropriate remedial measures.

Proposals would be made by the panel as to what measures should be pursued.

Measures to include:-

1. Physical Improvements, e.g. routine programme of vegetation management, improvement and maintenance of drainage, resurfacing, (representatives of the motor vehicle users groups have said their members are willing to help with the work).
2. Voluntary restraint, e.g. users agree to refrain from use during specified periods (dates, time, ground conditions) and/or to use only in one direction and/or to restrict type of motor vehicle using the route.
3. Traffic Regulation Orders, e.g. prohibition of all vehicular use, prohibition of all but motorcycles, prohibition of motor vehicle use during specified periods.
4. Permit system, e.g. an agreement is entered into between the Highway Authority and a motor vehicle users' organisation for them to issue a limited number of permits to use the route on a restricted basis.
5. Signs, e.g. to indicate the legal status/TRO, to promote the Code of Conduct, to define the voluntary agreement, to explain the 'three category system' of □ '*Sustainable*', '*Unclear*' and '*Maybe unsustainable*'.

Stage Four – Implement Proposed Measures

Action – Countryside Service/Network Management

All recommendations to be considered by the Highway Authority and, subject to their acceptance and availability of necessary resources, included in their work programme.

Review and develop the measures taken to take into account any subsequent changes.