

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

15 March 2006

Report of the Strategic Director – Environmental Services

Code of Conduct for vehicle Users in the Countryside

(1) Purpose of Report For members of the Improvement and Scrutiny Committee to be informed of the proposed Code of Conduct for Motor vehicle Users in the Countryside.

A code of conduct for motor vehicle users is a useful method of putting over a clear message to enable respect to be shown to all legitimate users who share access.

(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 adoption of an appropriate code of conduct. Therefore the Authority has been consulting with the Local Access Forums in Derbyshire and the Peak District on these matters.

A meeting of the Local Access Forum's vehicle sub-groups representing the two forums met on 2 November 2005 to consider how to define

sustainability in respect of Byways and other 'off road' routes which may have public vehicular rights. This has proved to be very useful to the process of drawing together consensus on the subject.

Two useful external contributions to the process became available in December 2005 with the DEFRA publications, *Making the best of Byways, A practical guide for local authorities managing and maintaining byways which carry motor vehicle* followed by *Regulating the use of motor vehicles on public rights of way and off road, A guide for Local Authorities, Police and Community Safety Partnerships December 2005.*

Members of the Derby and Derbyshire Local Access Forum requested a further meeting of the motor vehicles sub-group to be arranged to consider and discuss these issues with observers from the Peak District Local Access Forum.

The follow up meeting took place on the 10 February 2006 to enable sub-group members to draw together comments which then went to the Derby and Derbyshire Local access Forum on the 3 March 2006 for its advice to be included in the paper to be considered by the Scrutiny Panel in March 2006.

The sub-group agreed that perhaps rather than a specific Derbyshire model for a code of conduct it would be more appropriate to adopt the existing LARA code of conduct (LARA is the motoring organisations' Land Access and Recreation Association and acts as a national forum for the principal groups in countryside motor sport and recreation). The LARA code was presented alongside the Derbyshire proposal at the last LAF meeting.

A generic code of practice would also be beneficial for the Peak District National Park too as there is a need for consistency. The Peak District National Park could potentially be using seven different codes. By using the LARA code it could be used across the National Park. Subject to Committee approval, the National Park Authority would be looking to the other six highway authorities to sign up to this code of practice.

The sub-group suggested that such a code would support and encourage responsible users. This would also encourage good behaviour and that self policing should be part of the introduction to the code in any publicity. The LARA code of conduct for motor vehicle users is a useful method of putting over a clear message to enable respect to be shown to all legitimate users

who share access.

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 Recommendations** 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 LARA code of conduct for Drivers Countryside Code as shown in Appendix A. The code will need to be widely promoted using a variety of media.
- 4.2 That the status of the route should be apparent and clearly signed. This will enable users to be aware of all legitimate users that they may encounter along the route.

David Harvey
Strategic Director – Environmental Services

Appendix A

Code of Conduct promoted by LARA

Drivers' Countryside Code

1. Use only vehicular rights of way; not all green roads have vehicular rights. Under the Road Traffic Act 1988, it is an offence to drive or ride a motor vehicle (without the consent of the landowner) where a right to do so does not exist. Some routes that have vehicular rights may not be appropriate for all motor vehicles at all times. LARA, Derbyshire County Council and the Peak District National Park Authority can help with advice and information. Joining an appropriate club can help with information on the status and suitability of routes and some of these are listed overleaf.

2. Keep to the defined track. Detour only to pass immovable obstructions. Report any obstructions or difficulties to the highway authority. If the route is not obvious on the ground, ask locally, or check on the maps held at the highway authority offices.

3. Travel at a quiet and unobtrusive pace and when travelling in groups, keep to a small number (recommend 4 cars and 6 motorcycles per group).

4. Ensure your motor vehicle and yourself are fully road-legal. Green roads are subject to the same laws as surfaced roads. There is no public right to drive on common land, moorland, sand dunes or beaches.

5. Pay Attention to "The Four Ws"

Weather: Do not travel on green roads when they risk being damaged beyond a point of natural recovery when the weather improves.

Weight: Do not use roads which may be seriously damaged by the wheel pressure applied by your motor vehicle. LARA does not support the use of heavy motor vehicles on green roads.

Width: Do not use roads that are too narrow for your motor vehicle. Avoid damage to trees, hedgerows and boundaries.

Winches: Use only when unavoidable. Your priority should be to avoid damage to trees, walls or the surface while recovering.

6. Respect the life of the countryside. Be courteous to other road users, including walkers and take great care when passing horses. Be prepared to stop your engine if necessary. Always fasten gates and take care near livestock.

7. Remember that wildlife faces many threats and green roads and their verges can be valuable habitats. Take special care in spring and early summer and try to avoid driving onto verges.

		board and incorporated in the report to be presented to the Improvement and Scrutiny Committee.		
2. The Director of Environmental Services reviews the most effective management arrangements for dealing with all unsealed minor highways and Traffic Regulation Orders.			D. Harvey	Completed
3. Derbyshire County Council reviews the existing 'Policy for the management of motorised vehicle use in the countryside'.	Yes	Subject to the availability of adequate/ appropriate staffing resources, this review will commence in the summer of 2006	R. Taylor	Summer 2006

Recommendation	Implement Yes/No	Action?	Lead Officer	Timescale
<p>4. Derbyshire County Council officers work, having regard to the findings of the Rights of Way Improvement Plan and in consultation with the Local Access Forums, to identify through routes that link the network.</p>	<p>Yes</p>	<p>No progress as yet. This is dependent on an agreed definition of the term sustainable and the categorisation of routes accordingly, in conjunction with the determination of their legal status. The draft Rights of Way Improvement Plan will not be available until September 2006.</p>	<p>R. Taylor</p>	<p>Sustainability issue being reported to Improvement and Scrutiny Committee on 15 March 2006</p>
<p>5. Derbyshire County Council officers identify NCH's that are likely to be rights of way that should be shown on the Definitive Map. Legal Services will then investigate and assess the evidence to determine whether a Definitive Map Modification Order should be made on the basis of the evidence available.</p>		<p>The PROW vacancy no longer exists on the establishment. There is a need to review staffing resources within the Authority to determine how this recommendation can be achieved. The impact of forthcoming Government legislation also needs to be taken</p>	<p>R. Taylor / Legal Services</p>	

<p>The aim of this process is to identify a comprehensive record of unsealed minor highways with public vehicular access rights</p>		<p>into account.</p>		
<p>6. In conjunction with relevant elements of the Rights of Way Improvement Plan and the Local Transport Plan, Derbyshire County Council develops a management strategy for the network of unsealed minor highways</p>			<p>Asst Director N.M. / P.E.</p>	<p>Annually</p>
<p>7. The existing processes for determining Definitive Map Modification Orders be reviewed</p>	<p>Yes</p>	<p>This work is underway. A draft strategy for prioritising Legal Orders has been produced in conjunction with Legal Services. Both Local Access Forums are currently being consulted and this will be reported to a future Committee/ Cabinet meetings.</p>	<p>R. Taylor / Legal Services</p>	<p>Summer 2006</p>

Recommendation	Implement Yes/No	Action?	Lead Officer	Timescale
8. A Code of Conduct for Users be developed	Yes	<p>A draft code has been developed in consultation with both Local Access Forums and the Peak District National Park Authority.</p> <p>The advice has been incorporated in the report to be presented to the Improvement and Scrutiny Committee.</p>	R. Taylor	Report to Improvement and Scrutiny Committee on 15 March 2006
9. The legal use of the network of unsealed minor highways be enforced: - Derbyshire County Council should record information about incidents that have occurred on the network of unsealed minor highways and give this information to the police	Yes	The Countryside Service has been working with Derbyshire Constabulary, and community safety partnerships with regards to joint operations in the North East of the County.	R. Taylor	Commence October 2005

<ul style="list-style-type: none"> - Develop a campaign with Derbyshire Constabulary, community safety partnerships, user groups, Peak District National Park Authority and Derbyshire County Council to raise awareness of users rights and responsibilities and target illegal use - Consider what physical barriers are feasible according to location and the legal position 				
<p>10. Powers be utilised to implement Traffic Regulation Orders having regard to current Government guidance</p>			<p>Asst. Director N.M.</p>	<p>Ongoing</p>
<p>11. The Council encourage Community Safety Partnerships to look at the issue of the use of motor</p>		<p>Several leaflets have been produced by the Community Safety Partnerships and joint</p>	<p>R. Taylor</p>	<p>Commence October 2005</p>

vehicles on the urban fringe and in rural areas		Countryside Service/Police operations undertaken with future ones planned.		
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