

Annex E – Ramblers Association Comments regarding the Proposed policy, together with Response from the Rights of Way Officer.

THE RAMBLERS ASSOCIATION

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5 January 2007

Dear Mr Thompson

PDNPA DRAFT OFF-ROAD MOTORISED VEHICLE POLICY

This letter represents the views of all Ramblers' Association Areas in the National Park on the draft paper presented to the Peak District LAF on 7 December 2006.

We do not believe that the measures and approach proposed in the draft are adequate to meet the scale of off-roading activity in the National Park and the detrimental effects it has on other park users, the environment and landowners.

Above all, we feel that the PDNPA is failing to recognise a fundamental incompatibility between, on one hand, its statutory duty to conserve and enhance the Park and its special qualities, and, on the other, a supposed duty to make the ancient green lanes of the park accessible to mechanically propelled vehicles. This clash comes out clearly in the section headed 'Our Aim'. The first two bulleted points are mutually incompatible: it is impossible both to 'promote' rights for mechanically propelled vehicles, and to give priority to the 'conservation and enhancement of the national park.' The Sandford Principle dictates that in clashes of this sort, conservation should take priority over public access, and when, as in this case, all that is required is that people leave their vehicles behind when they head away from the tarmac, the Park Authority should be bolder in defending the principle of the quiet enjoyment of the landscape's special qualities.

The Nature of Off-roading

To quote from a letter in Country Walking magazine: "Here in the Peak District, large groups of up to 20 motorcycle trail riders usually ride as fast as possible, throwing up water, mud and stones whilst, in some cases, making as much noise as possible. Few

seem to have consideration for walkers, horse riders, cyclists or the environment. Many ride after prolonged periods of rain when they will do the most damage. While 4x4s travel more slowly, they will often occupy the full width of the path. The weight of these vehicles means they create ever-deeper ruts which cannot drain, but instead fill with water and mud. Eventually other users walk or ride to either side of the original path, thus creating a broader scar on the landscape.”

It is not just a question of the damage that 4x4s and motorbikes do to the fabric of the tracks. The Park should be a tranquil place where people can expect to have escaped the noise and fumes of motor vehicles. On the treeless moorlands of the Park, the noise of vehicles carries literally for miles, and compromises the tranquillity that should be at the heart of visitors’ experience of the Park’s special qualities.

At the Recreation Forum 2006 a large number of those attending questioned whether off-roading was compatible with national park status.

We believe that the off-roading user groups have in their membership only a proportion of off-roaders and that those who are not in the groups are less likely to comply with voluntary restraint and a Code of Conduct.

The DEFRA view of voluntary restraint is: “Discussions with authorities when drafting this guide indicate that voluntary restraint is widely seen as ineffective in managing mechanically propelled vehicle use of byways. Irresponsible drivers will ignore voluntary restraint notices and continue to drive on byways that can no longer sustain mechanically propelled vehicles. The 2001 review of the Hierarchy of Trail Routes {in the Lake District} concluded that voluntary restraint was effective in reducing, but not eliminating, unsustainable use”. (PB11358). It is surprising, therefore, to see the Lake District Hierarchy scheme being given such weight in the present draft. According to the DEFRA document *Making the best of byways*, the scheme costs nearly £70,000 per year, plus uncounted hours of voluntary effort. (p23) Yet the scheme has no criteria for success or failure. The scheme’s scientific, objective credentials are spurious. PDNPA would do well to make a very critical inspection of the purposes of the scheme before it invested large sums of money and time in duplicating a scheme of such dubious merit.

Policing

Police activity is key to enforcing the law whether it is the legal status of the route or TROs. Until recently the police had given this little attention but due to pressure from the public and their political representatives more action is being taken and specialised equipment bought.

The well known Killingbeck Divisional off-road motorcycle unit (West Yorkshire Police) operate and advise throughout the force area. South Yorkshire Police have purchased mountain bikes and helmets with video cameras. Greater Manchester Police have bought trials motorcycles and use the force helicopter and the mounted branch to gather information and provide a police presence. They have also distributed many leaflets. Derbyshire Police C Division has borrowed officers and their equipment from South Yorkshire to conduct exercises in the NE of the county as

described by Richard Taylor to the Peak District LAF. Frequently the vehicles including motorcycles are found not to be road legal, to be untaxed and uninsured. They may be stolen and the riders are often found to be people the police want to question or breaking ASBOs.

The Peak Park, by debating and publicising this paper, have an excellent opportunity to raise the profile of this activity with the police forces. They could involve MPs, councillors, landowners, user groups, the media etc.

Regulating the use of motor vehicles on public rights of way and off road,

A guide for Local authorities, Police and Community Safety Partnerships
DEFRA, PB11381, December 2005

There is no evidence in the text or footnotes that this key publication has been read, this is a major omission.

Policy in other National Parks

Brecon Beacons – Use of motor vehicles on unsurfaced routes is considered inappropriate due to physical damage, impact on tranquillity and stock disturbance. (DEFRA, PB11381)

Exmoor Will use pre-emptive TROs if necessary

Northumberland The Park is awaiting implementation of a new policy from Northumberland CC, who are looking to make better use of TROs to tackle this problem

North York Moors – The NPA aim to discourage those recreational activities which are incompatible with National Park purposes such as intense activity by off-road vehicles. Joint crackdown days have been held with North Yorkshire Police and Cleveland Police. (DEFRA, PB11381)

Yorkshire Dales – “The YDNPA believes that the use of unsurfaced routes by recreational motor vehicles is an inappropriate activity within the National Park.” (YDNPA web site). See below for further detail.

Yorkshire Dales National Park

Four of the most damaged green lanes in the Dales Park have been closed to private vehicles now for two years. A perception survey has been carried out among users of the routes and comparable routes without TROs and the fabric of the surface of the tracks has been monitored. The conclusion is that the damage to the lanes was the result preponderantly of private, not agricultural vehicles, and that the amenity of non-motorised recreational users is greatly enhanced by the absence of 4x4s and motorbikes. The 4 routes are now slowly and spontaneously recovering, although the most severe damage inflicted by off-roaders will need dedicated, expensive repairs.

The Dales National Park, in its own planning for the management of vehicles on green lanes has introduced the notion of ‘tranquillity mapping’, derived from data collected by the Campaign for the Protection of Rural England. Using objective criteria, such as the distance from a major road or large industrial complex, an area of tranquillity can be mapped. In assessments of the impact that off-road vehicles make, whether or not the route passes through an area of tranquillity is of great importance. We commend this approach to PDNPA.

Consultation in the Preparation of this Paper

The member of the Peak District LAF who is a trail rider complained at the December 2006 meeting that they had not been consulted. We are not aware that any unit of the Ramblers' Association have been consulted. We are interested to know who was; we ask that Action 12 be amended.

Comments on Paragraphs in the Draft

In this section comments are made in the order in which paragraphs are included in the draft. The LAF title page is treated as page 1.

Page 2 Annex A

We accept that signage is needed in the short term but would like to minimise it in the medium term.

We do not believe this is an issue on which equality of opportunity should be a dominant factor. Conservation of the environment and the safety and enjoyment of the park community as a whole cannot be sacrificed simply to provide equal opportunities for offroaders.

Page 5

We believe many of the claims included in the 142 will not be proceeded with as they were submitted after the NERC Act deadline of 20 January 2005. These should be excluded.

Page 7 – Our Aim

Aim 3 We presume this includes organising or demanding maintenance, if necessary using section 56 (1980 Highways Act) and section 63 (CROW Act 2000) rights.

Aim 6 If a BOAT or NCH is seriously damaged further use by offroaders and possibly by horse riders and cyclists should be prohibited until it is repaired. A voluntary restriction may be more appropriate in the event of minor damage. Aim 6 may not be compatible with Aim 2.

Aim 7 Add all rangers and certain landowners, cafes and pubs.

Aim 9 We consider some routes to be so badly damaged eg Moss Road , Holmesfield and the Chapel Gate Track, Edale that a TRO should be applied immediately, and that other routes, considered to be susceptible to damage, should have pre-emptive TROs imposed on them, in line with the recommendations in DEFRA's guidance notes on the NERC Act.

Add as a further Aim: The identification of those using mechanically propelled vehicles illegally and the communication of that information to the Police.

Page 8

Action 2 According to the list provided by Mr Tysoe (County Secretary DCC) no claim has ever been submitted for Hope Woodlands 11 and the claim for Hope Woodlands 8 was submitted after 20 January 2005.

Action 3 Annex C should read B.

It needs to be borne in mind that some walkers and most horse riders avoid routes used by off-roaders at times when experience indicates they are likely to be about.

Page 10

Action 4(C) We have little faith in the Code of Conduct as explained above. The RA has withdrawn its support for the code of conduct written for the Ridgeway which received national publicity when originally launched.

Action 5(A) We agree with the principle but would question whether it is workable in the context of 7 Highway Authorities, 9 police basic command units (divisions) and complex user group structures. The process could be trialled with DCC, the B Division of Derbyshire Police and user groups who represent the Derbyshire Dales and High Peak Borough areas. Landowners could usefully be included.

Action 6 The PDNPA and landowners eg the National Trust could provide vehicles for the police to travel and “hide” in as has been used very successfully in the Chesterfield area.

A new Action 6(B) should be added. All rangers should be trained how to report illegal offroading to the police. This information could be included in leaflets which could be distributed to members of the NFU, CLBA, RA and Peak & Northern as well as through visitor centres.

Action 7 Where voluntary restrictions are agreed to be appropriate we believe they should be applied to BOATs, NCHs, and those routes for which a claim for BOAT status was submitted before 20 January 2005 until such time as the status is confirmed as a restricted byway, bridleway or public footpath. There may be a legal issue with the routes subject to a claim.

Page 11

Action 8 TROs

It is possible for disabled drivers, displaying official disabled badges, to be exempt from any TRO which limits vehicular access to BOATs. The RA objects to able-bodied drivers citing disability discrimination to justify the activity as a whole. Those with mental health problems can benefit from a walk in the peace and tranquillity of the National Park and those with learning disabilities may be nervous of oncoming traffic such as a large group of motorcyclists travelling fast.

We consider Annex D to be too restrictive. The poor state of many NCHs and bridleways subject to upgrading claims to BOAT require a significant number of TROs to be imposed. In addition TROs are needed to prevent conflict between users and to protect flora and wildlife.

Action 9 This action encapsulates the unrealistic view of off-roader user groups which the PDNPA seem to hold. The membership of the Trail Riders' Fellowship is falling, not rising. Any notion that off-roaders in general feel themselves bound by codes devised by groups of which they are not members is hopelessly optimistic. Even the

defenders of the Lake District Hierarchy Scheme concede that there are numbers of off-roaders who will simply ignore the code – maybe on the ground that citizens should not be cajoled into not exercising their legal rights.

Action 13. Rightly, the first paragraph identifies ‘tranquillity and quiet enjoyment’ as valuable commodities. But the Action itself does not follow from this identification. Disturbance to tranquillity is not governed by the time of year at which the disturbance takes place. Objective criteria for the measurement of vehicular disturbance to tranquillity and quiet enjoyment need urgently to be devised.

Page 14 Statement

We consider that the PDNPA need to consider imposing temporary TROs immediately on a number of NCHs and routes subject to upgrading claims due to their poor condition. This would give time for maintenance to be organised. The faith in voluntary restraint is not supported by DEFRA and is likely to be abused by some off-roaders.

Annex D

Page 32

It seems unlikely that a police force would admit that it was ineffective. Public pressure can be used to influence police priorities.

After... can be maintained add “if necessary by the use of barriers”.

Off-roading is a legitimate use of a small proportion of the total number of rights of way and NCHs, less than 10%. Therefore replace “many” with “some”.

Until the surveys are complete and have been evaluated the PDNPA cannot know how many routes justify TROs. We object strongly to the prejudgement entailed in the phrase “We therefore intend ... sparingly”. The example of a public footpath should be deleted as they can always be repaired or diverted using section 56 if necessary.

We believe there should be a time limit from when it is recognised that voluntary restraint has failed to a recommendation being made to the Director of Recreation and Education. We consider 3 months would be reasonable.

Paragraph 1.7 We are unclear what is meant by “if effective self-policing..... not be made”. This seems to mean that the off-road user groups have a veto on the imposition of TROs which is unacceptable to the RA.

Paragraph 4.4 There should be a time target from the order being authorised to the Director making a decision.

Page 36

Paragraph 8 Rangers and the general public can report breaches of TROs to the police and should be encouraged to do so.

Conclusions

- The document fails to embody the Sandford Principle of setting the needs for the conservation of the Park's special qualities above the demands of users whose activities will inescapably damage those special qualities.
- Great reliance is placed on voluntary restraint, an approach which is seen as ineffective by DEFRA.
- Too much reliance is placed on the approach adopted in the Lake District.
- The approach proposed by the PDNPA is out of line with the other English and Welsh National Parks which have a significant offroading problem.
- The draft policy prioritises the interests of off-roaders over other user groups who represent many more people.

In particular

- PDNPA should agree the following as the basis for its policy: "The PDNPA believes that the use of mechanically propelled vehicles, away from metalled roads, in the National Park is inappropriate. Such use conflicts with the Park Authority's overriding statutory obligation to protect and enhance the landscape in its charge. In particular, the Park Authority believes that mechanically propelled vehicles jeopardise one of the Park's special qualities – its peace and tranquillity. The Sandford principle directs that when there is a conflict between access and conservation the needs of conservation must prevail. The Park Authority recognises that, at present, recreational vehicle users have a legal right to use certain routes within the Park but it will seek to manage that use in a way that accords with the Authority's obligations to protect the landscape and its special qualities and the interests of other users and landowners."
- PDNPA and/or DCC should impose TROs on the most seriously damaged and the most vulnerable routes immediately.
- PDNPA should use its influence, with others, to increase police activity in all force areas.

The Ramblers' Association will oppose this paper unless changes are made. We would be pleased to discuss with you our concerns prior to the paper being finalised.

Yours sincerely

BOB KELLY

On behalf of

South and East Cheshire Area

Derbyshire Area

Manchester and High Peak Area

Staffordshire Area

South Yorkshire and North East Derbyshire Area

West Riding Area

Mr Bob Kelly
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19th January 2007

Dear Bob

Thank you for your letter of 5 January 2007. I am replying on John Thompson's behalf following the initial acknowledgement by Mike Rhodes via e-mail.

Clearly the issue has been a contentious one for a number of years, and in terms of having any serious power to take action this is very much new ground to us. We are learning, particularly legislatively, along with other National Park Authorities and trust that you will not only work with us, but be patient in terms of actions. I know we can rely on your support for any actions we take to prevent vehicles, but I hope that proactive action we take that will help the situation on the ground will also be welcomed. Quite clearly we are still limited in terms of legal powers, but see the role that we have as a key to bringing together all the relevant parties and ensuring that the issue is moved forward as expediently as possible.

To commence with a general point of clarification, it is our intention to take the policy and strategy to Members at the Authority meeting on the 9th February 2007 with a view to *commencing* this policy. However, it will be made clear to Members that this policy is very much a working document, that the majority of user groups and other interested parties have yet to be consulted, and that various issues within the policy and strategy require implementation and further work. A period of widespread consultation will then take place and the policy and strategy will be looked into over the course of a year and a further report then made to Members. The document will be kept under continuous review and changes may take place as the policy and appropriate action under it develops. In short, we will listen to what you and other consultees have to say and if reasonable, will try to implement it.

We are faced with a chicken and egg situation in consulting on such an important policy, and I am happy that some members of the Local Access Forum, who were the first to be approached outside of officer level, have passed the draft policy on to user groups such as yourselves. I am of course delighted to discuss this and other issues with you at any time and trust that you are aware that I take all your comments very seriously. May I therefore commence by thanking you for taking the time to respond in such a thorough and inclusive way to a high standard. I will ensure your comments are referred to in my report and will consider annexing it to my report to Members, it would be useful in this regard to have an

electronic copy of your letter which I would be grateful if you could forward to me at richard.pett@peakdistrict.gov.uk. I am particularly grateful that all the relevant groups of the Ramblers Association have replied in a single letter, will you please pass on my gratitude to the membership for being so considerate and providing such clear observations.

I must also say that relevant Highway Authorities have had powers to make Traffic Regulation Orders (TROs) for some time, and will continue to do so, but it is important to ensure that the making of TROs does not simply become a National Park duty per se. The powers we have are identical to those of the Highway Authorities and whilst they do not presently generally see actions such as making TROs a priority, I hope that they will work with us rather than see the new powers as an excuse to do nothing.

My final general comment concerns resources. At the present time the Peak District National Park Authority employs a single, part time member of staff in myself as a Rights of Way Officer. My duties include acting as a liaison between various parties across the National Park, passing reports to relevant officers as well as some statutory public path order duties, particularly relating to planning and mineral issues as well as ensuring that rights of way across the Park continue to be of as high a standard as possible. It is therefore important that any proposals can be achieved and do not have the negative effect of promising much and delivering little. Furthermore, the issue of resources will also affect the police and how they are able to enforce any TROs we may make.

To come to your specific points, you make an interesting remark regarding the document as a whole, concerning the compatibility between vehicle use and the Park's values. Making a bold statement regarding vehicle use as a whole across the park sets an immediate and practically impossible standard to achieve that will send entirely the wrong signal to the public - namely that we will ban vehicles from across the Park. With around 400 potential routes, such a statement will, we feel, simply lead to an expectation that vehicles are not allowed in the National Park. When vehicles are inevitably seen after such a statement is made, the level of antagonism between various users as well as landowners is likely to become severe. The work of the police to regulate across Park restrictions would be to all intents and purposes impossible, and such actions will inevitably lead to the statement being valueless and the law flouted. This is entirely contrary to our intentions of delivering results as soon as possible so that as many people as possible can see that whilst we are just at the beginning of looking at our new powers – that we are serious about our intentions – routes where vehicle use is sustainable will be monitored and issues dealt with, those that are not will be dealt with by a variety of approaches.

In stating in our aims that we will treat vehicle users as we would others, but clearly have regard to the conservation of the National Park, we are recognising the legitimacy of vehicle user groups but reserving our rights to close routes for conservation issues. We do not believe therefore that we are making a contradictory statement, merely a realistic one.

Your general point concerning tranquillity is again well made. However, the Park has a number of conflicting issues, not just regarding conservation. Again making a bold general statement will send out the wrong signal. In point 4 of our priorities we have stated that we will manage the off-road network with a view to ensuring sufficient control on the basis of quiet enjoyment. This allows us to take action if appropriate without making a statement that will, we are sure, come back to us in the form of demands for action where use is slight. We are aware of a number of situations where, for example routes pass through properties where owners simply do not wish for *any* kind of access, and the removal of one type will have a benefit simply for the owner and not the general public as it will move the problem elsewhere, possibly on to less sustainable routes. We must of course ensure that restrictions are in place where they have most benefit to the public. In relation to the Sandford Principle, my

understanding is that this principle is applicable where there is an irreconcilable situation that cannot be resolved by proactive action and management.

In relation to voluntary restrictions, this can be viewed in two ways. Firstly it gives users an opportunity to take a proactive stance on issues and embrace working with us, or restrictions can be ignored and seen as part of the process towards making TRO's. I do not need to remind you that the making of a permanent TRO entails widespread consultation and may result in a public inquiry. If such inquiries occur the Park must be sure to have acted in a reasonable and constructive way, and show that a TRO is necessary. I do not however wish to give the wrong impression, the policy clearly states that the failure of voluntary restriction does not lead to a TRO, but is part of the process. However, I do agree that we should ensure that if the situation on certain trails is very poor and warrants an immediate temporary or experimental TRO that we should have powers to do so, I have therefore amended the policy accordingly. You state that there is no criteria for success and failure of voluntary restrictions, however, in our TRO policy we state that:

Voluntary restraint will be monitored by ranger staff for a period of 6 months (I have modified the amount of time here and will come to that shortly) before any recommendations on its success are made.

There is quite clearly a cut-off time for the voluntary restrictions that is both reasonable and workable, if voluntary restrictions do not work we have therefore stated quite clearly that we will revisit the situation. It is also possible of course that voluntary restrictions work, which will make the situation better for all concerned.

In relation to policing, I totally agree that all parties must work together to stop trespass and to ensure that monitoring and policing of TROs is appropriate. I do not need to remind you of course of the very significant role user pressure has played in the history of this National Park and obviously you will be guided by your own perception of the involvement of various parties, the police included and rightly put pressure where you feel it appropriate.

I have had the pleasure of working in a very proactive way with South Yorkshire Police and in the past year around 1000 warning notices have been issued to illegal vehicle users as well as a large number of confiscations and crushing of vehicles. As part of that work I studied and made great use of the *Regulating the Use of Motor Vehicles on Public Rights of Way and Off-Road* document that you referred to, this was simply an omission on my part and I apologise for not referring to it, I have ensured that the document is referred to in the report to Members and will revisit the policy to clarify that it is part of our thinking.

We watch with interest the approaches other National Parks take to this issue, and will, as I have said earlier learn from their successes although the pressures on our Park will of course be different to others simply due to population densities.

I am interested in your statement that the Brecon Beacons Park consider the use of motor vehicles on unsurfaced routes inappropriate, my understanding from their Rights of Way Improvement Plan is that they believe, like we do that more information on where users can go is needed, to quote their plan:

Conclusions from Assessments

- *There is a need for information concerning legal routes for motorised users*
- *Illegal activities by off-road users are causing concern to other users and damage to public rights of way and areas of access land*
- *There is a need for clear government guidance on the level of rights on unclassified roads*

- *There may be need for an area devoted to off-road motor vehicles*

In your comments regarding Exmoor National Park, my understanding of the report Exmoor issued to its Members about TRO's from their report of 6 June 2006 is that:

In practice, this is likely to make a limited impact on Exmoor as both Devon and Somerset County Councils already delegate these powers to the Authority.

I would be interested to know the source of the pre-emptive TRO decision making, as quite clearly we are working in co-operation with National Parks and any developments are of interest to us.

In the Yorkshire Dales you note that 4 routes are closed, 3 presently are closed in the Peak District National Park. The work taking place in the Dales is being closely monitored and if something works well in the Dales we will of course look at that approach here. Again however, I must emphasis that the situation in the Dales is much smaller – we have around 4 times as many potential routes as they have and must initially take a much broader approach to the issue simply because of resources.

To come again to your point about consultation, I believe I have covered this in the initial part of my letter.

Comments on Paragraphs in the Draft:

Page 2 Annex A

Signage – noted and as this document is an ongoing one I will of course be interested in your comments relating to this in the future.

Equality of Opportunity – is noted as part of the process, not the lead on the process.

Page 5

I agree entirely with this point and have altered the report accordingly to reflect the 106 claims that Derbyshire County Council are investigating.

Page 7

Section 56 remains a tool that all parties may utilise in this regard.

Aim 6 – I do not agree with this point although it is of course one that you may stress to the Highway Authority.

Information - Point well made and will be appended.

Badly Damaged Routes – Moss Road already has a TRO but it is my intention to carry out works there. In relation to routes where the failure to maintain trails adequately is a main reason for a TRO we will be looking to those responsible for such maintenance to provide the TRO or improve the surface. Pre-emptive TROs will be part of our policy and strategy.

Adding a further aim – identifying illegal use – I agree entirely, an excellent point that will be made in the report.

Page 8

Action 2 – these two claims have been removed from the latest version of the policy (1.3).

Action3 – my thanks for pointing out the Annex error.

Page 10

The Code of Conduct is part of the DCC proposals and will form part of our works, clearly if this does not work the subsequent report to Members about the issues will highlight this.

Action 5(A) I agree but we must make a workable system, piloting the ideas through one force will help in this regard as and when we work with others. Landowners will be consulted as part of the process.

Action 6 – an interesting idea that I will discuss with the police although the matter of insurance must be raised.

Action 6(B) - an excellent idea and now included in the policy.

Action 7 – I am awaiting an enforcement guidance document from DEFRA regarding such claims and will obviously be carefully considering recommendations. I have raised this point with DEFRA and it was clear that the situation was complex.

Page 11

In mentioning the needs of the disabled I am primarily considering what barriers may be put in place to prevent vehicle trespass.

I cannot agree that a significant number of TROs need to be imposed before we have even investigated the routes, nor given the policy and strategy a chance on the ground. If our actions do not work, we will look again at approaches and will, of course, involve yourselves.

Action 9 – simply because some members of user groups do not follow rules does not mean I will not communicate with them. All user areas have some irresponsible associates and it would be cavalier to brand the majority because of the minority.

A restriction at a certain time of the year is simply given as an example, not a criteria.

Page 14

We are considering using TROs on some routes immediately. Again I will judge the success of voluntary restrictions on the ground, not hearsay.

TRO policy

Policing - I am stating that for a TRO to be effective, it must be policed properly, there is absolutely no point in making a TRO knowing that nothing will change on the ground.

I have replaced *many* with *some* as suggested.

I have also removed the phrase *sparingly* which you objected to, in making this point I was simply reflecting DEFRA's own view of the powers (which states that one or two TROs may

be made per year by NPAs) but agree it could be used against decisions in the future. I have also removed the reference to footpath maintenance.

I do not believe 3 months is reasonable to see if a voluntary restriction is effective. I have however looked at the times again and suggested to Members that 6 months is reasonable.

Paragraph 1.7 – I will look again at the wording here.

Paragraph 4.4 – I am unsure about binding us initially to timescales when, in truth, we do not know how many TRO requests we will receive. In future editions of the Policy I will however look again at this.

Paragraph 8 – A very good point regarding the rangers which I have added, but I would be concerned about recommending the public get involved.

In conclusion, I believe the policy and strategy marks an important first step in looking at the issue across the National Park in a constructive way, but does so in a realistic manner. This policy is very much a working one, which will change where appropriate and in the light of experience as we go on. Taking a very hard line as you would wish simply runs the risk of alienating those responsible users that wish to use vehicle routes responsibly – a majority of which are not a problem in terms of sustainability. Alienating these users would be irresponsible and ultimately leave the Park with no communication with vehicle users. In such a situation the only effective way would be to make a large volume of TROs in the knowledge that effective policing would be impossible, such an approach raises the expectations of landowners and visitors that vehicles are not allowed across almost 400 routes and would inflame, not calm an already difficult situation.

Whilst I am both grateful and respectful of the advice you have given me I am disappointed by the line you have taken, particularly involving responsible vehicle user groups who seem to have little role to play in your proposals. We are talking closely with other National Parks and have paid attention to the Lake District National Park as they have had an officer designated to the role for a number of years, it seems to me therefore, that in terms of experience they are the lead player at the moment but this could change. However, we will continue to meet, talk and learn from all parties, yourselves included, and at the end of the day I feel that the only way we will make constructive progress is by working together.

I hope you will see by my approach to many of your excellent ideas that we are here to listen, but we must listen to and consider the views of all parties involved.

Yours sincerely

Richard Pett
Rights of Way Officer