

AGENDA ITEM No. 11

PEAK DISTRICT NATIONAL PARK AUTHORITY

NATIONAL PARK AUTHORITY MEETING

3 OCTOBER 2008

OPERATIONS

PART A

1. **REVIEW OF THE STRATEGY TO MANAGE RECREATIONAL VEHICULAR USE OF UNSURFACED HIGHWAYS AND OFF ROAD USE IN THE PEAK DISTRICT NATIONAL PARK (A.7622/MJR)**

Proposal

1. This report reviews the progress of actions under the Peak District National Park Authority's strategy to manage recreational vehicular use of unsurfaced highways and address off road use in the Peak District National Park.

2. **RECOMMENDATION:**

1. **That progress on the strategy to manage recreational vehicular use of unsurfaced highways and off-road use in the Peak District National Park, as summarised in this report, be noted.**
2. **That officers continue to develop work programmes, with relevant partner organisations, based on the strategy.**

Policy Background

3. **National Park Management Plan 2006-11**

Recreation and Tourism (Part 3, Chapter 7):

'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.'

A specific action in the Management Plan is to:

'develop ways to positively manage motorised recreation in ways that are legal and sustainable.'

4. **National Park Authority Corporate Outcomes**

The strategy and policy to manage motorised recreation in the National Park relate to Level 1 and Level 3 (respectively) priority Actions within the Authority's Corporate Outcomes:

- Ensuring landscapes are characterised, conserved and enhanced in accordance with their enduring and dynamic qualities.
- The provision of a network of statutory and permissive routes, access to open country and other relevant opportunities in the National Park.

The Authority's Strategy for Managing Recreational Vehicular Use in the National Park

5. On 5 October 2007 the Authority approved, on a trial basis to be reviewed in one year, a strategy to manage recreational vehicular use of unsurfaced highways and off-road use in the National Park. The strategy includes eight key actions. The Authority also approved, after widespread public consultation, a Policy and Procedure on making Traffic Regulation Orders. In accordance with the resolution of that meeting (Minute 92/07) this is report reviews progress on the strategy,
6. During the last 12 months the Services Committee has been receiving reports on the specific issue of managing vehicular access on unsurfaced routes. The Committee approved a list of 23 routes for further prioritisation and as a basis of preparing management plans (Minute 10/08). The September (2008) meeting of Services Committee received a report further prioritising the list of 23 routes and a summary of progress on management plans for the 'higher priority' routes.
7. A summary of the actions under the strategy is provided in the Appendix to this report.

APPENDIX

Summary of Actions from the Strategy

1. In each case the action from the strategy is given in bold italic font followed by a summary of work to date and future plans.
2. **Action 1 – Work with Derbyshire County Council on its framework of proposals for defining sustainable and unsustainable routes in Derbyshire and assist in implementing its Code of Conduct for Vehicle Users in the Countryside.**
3. All non-classified highways in Derbyshire have been surveyed, and each has been categorised into either *sustainable*, *unclear* or *may be unsustainable*. Each route was then re-surveyed by the Rights of Way Officer and final scorings made to ensure consistency.
4. The priority list of 23 routes, and draft management plans for 8 higher priority routes within that list, were presented to Services Committee in September 2008. The higher priority routes will take precedent in so far as existing resources are concerned.
5. In the long run a comprehensive management and action plan will be outlined for each route, analysing all the issues connected to that route. The plans will include survey results and reports on conservation, from the Local Access Forum sub-group and from the Highway Authority on maintenance. The Management Plan will identify clear goals and show who will do what and by when. Consideration will also be given to the effects of proposed actions, such as displacement, and also for the escalation of works, consistent with the Authority's own policies, should the initial recommendations be shown not to have worked.
6. It is important to consider the full range of options available for improved management of these routes, and no presumptions will be made. Actions can range from signage improvements and monitoring to a full, all-vehicle, permanent Traffic Regulation Order (TRO). A TRO may take many forms, for example restrictions on width, weight or direction of travel can be made, or it may apply to certain vehicles, and they can be temporary or seasonal. By having an open process of consultation and dialogue it is also likely to be much easier to achieve successful results. The Authority's Policy and Procedure for TROs is provided at Annex 1 of this report.
7. Officers have met regularly with Derbyshire County Council (DCC) personnel of both Countryside and Highways divisions, and we have been pressing Highways to allocate a budget for repairs and improved signage.
8. **Action 2- Prioritise and influence the Highway Authority-led review of rights**
9. The 'Winchester Case' (see briefing note at Annex 2 of this report) has led to a change in the understanding of what documentation is required to accompany a legal claim for byway rights. Around 20 routes in the Derbyshire part of the National Park may be affected by this change, effectively removing from them any claims for vehicular rights.
10. A map showing all routes with claimed vehicular rights, and non-classified highways has been produced by Derbyshire County Council. Vehicle users have been pressing for information as to where they may legitimately be able to go and this map shows all such routes. However, the legal rights on many of these routes have yet to be investigated and the publication of a comprehensive map of routes which 'may' have rights is a difficult legal issue. The Highway Authority will decide whether this map is

made available to the public, as it has been in for example Cumbria where a map of such routes was made available ostensibly to relieve pressure on the use of such routes in the Lake District National Park. We hope to publish this information on our web-site, but await further advice from DCC legal services.

11. **Action 3 – Provide more and improved information to the public**

12. The latest information relating to unsurfaced highway use is now available on the Authority's website. The website is a developing tool to enable us to get accurate information to the public.

13. The public response to the web-site has been very good, particularly from the vehicle users themselves. This has however highlighted the need for information on where vehicle users can legitimately go; the website is good for providing information about where not to go, and sensitive routes that we wish to highlight, but is perhaps seen as less helpful on positive information.

14. One of the primary pieces of work therefore has been the thorough investigation of exactly where claimed routes are, where By-ways Open to All Traffic (BOATs) are, and where it is illegal to use some routes. This piece of work has taken considerable time and is now being made available to the public on the website. This work is on-going, particularly in terms of identifying routes that are resolved through the claim process as either BOATs or other status.

15. The Authority's Head of Communications is establishing an email list to allow instant communication between the Authority and interested parties. Discussions are on-going with local communities, user groups etc to get more email addresses so that we can reach more people. Hopefully we will soon be in a position to make more use of this as an avenue for communication.

16. Three publications have been made available: one a credit-card sized note that rangers and the police can give out which gives details of the website, another outlining a code of conduct for vehicle users and a third outlining the issues for the public. In each case print runs were small to enable the information to be easily updated. We are currently in discussion with the police about part-funding the production of such information in the future.

17. An article on this subject was in the last edition of the National Park publication 'Parklife' and press releases have generated considerable coverage, including many radio interviews. As management plans develop, further, more focussed communication with affected local communities is planned.

18. **Action 4 – Work in partnership to manage the situation**

19. Addressing the issues of the use of unsurfaced highways is a huge issue. The Authority is not ultimately responsible for such matters and is too small an organisation to deal with the issue as a whole. We have therefore sought to develop partnerships with the Highway Authorities, the police and vehicle user groups. Weekly meetings have taken place between National Park officers and DCC staff.

20. The police, accompanied by National Park rangers, are making regular contact with vehicle users on the ground to promote the code of conduct and better communications and understanding, through the umbrella of the police operation 'Blackbrook'. Informal meetings with Derbyshire police take place at least every 2 months, with a full formal meeting every 6 months.

21. It is important to involve all stakeholders in the decision-making and information processes. Part of our action has been informing recreational motor vehicle users of their legal rights, and using their help to prevent illegal activity. Meetings with user groups continue to be based around specific issues, but due to overall work pressures these meetings are not as frequent as we might wish.
22. Improved on-site information is something we are continuing to develop, and request from DCC, and we are currently working on new draft designs which we hope will be seen on site soon. This information is specifically designed to inform people what type of other users they can expect to meet, whilst more widely addressing a serious lack of signage. The work of the Authority is being supported by some generic signing work by DCC.
23. Of note is the proactive involvement of the Peak and Derbyshire Vehicle User Group. Through their work, there has been a reduction in use at Long Causeway through a voluntary restraint, 70% of illegal use has ceased at Moss Road, 85% reduction on Abney Restricted Byway 5 and success continues to be enjoyed at Taddington through improved signage and information.
24. **Action 5 – Address illegal use of routes**
25. ***Identifying Routes Used Illegally***
Restricted Byways and other routes used illegally by recreational motor vehicles have been identified, are now held on a single database and are being logged for use. This information is then passed to the police for action, in conjunction with ranger staff.
26. There are 22 illegally-used footpaths and bridleways and 21 restricted byways also used illegally . This is likely to increase by around 20 routes following the Winchester Case, where claims for Byway status have been overruled.
27. ***Illegal-Use Sites – Work on the Ground***
In many cases there is an assumption that legal rights for motors may still exist. Our approach has therefore been two fold; first by providing information both on site and via websites and press releases, and secondly by enforcement through barriers, ranger patrols and the police.
28. The police have prosecuted and fines have been issued for illegal activity. We will continue to press the police to take the strongest action possible. We are also working with other partners (i.e. Natural England and landowners) to look into fines for damage to protected areas. Signage will, at our request, have police logos on it.
29. With so many illegal-use sites being recorded, full involvement by the National Park in assisting in the prevention of use at each one will be difficult to sustain. Recent work on Moss Road, Abney Restricted Byway 5, and Monksdale Lane have shown this to be highly resource intensive. Action Plans have been agreed on the most important routes.
30. Successful work has taken place on Moss Road (Totley Moor), through a partnership of all parties, seeking to remove vehicles from the bridleway and prevent and repair damage to the SSSI. This work has had the effect of reducing illegal use by over 70%. However, there is an on-going need both to monitor and patrol the site both by rangers and the police, use must continue to be logged to ensure it does not increase, and barriers, gates and signs must be maintained. This resource commitment will be ongoing as a return to previous unacceptable damage must be prevented.

31. **Logging the use of Routes**

Use has been logged on around 30 sites across the Park, and loggers continue to be in place 24 hours a day 7 days a week. Four new loggers were purchased in April 2008 with a view to these being used in a wider area to study issues of dispersal of use. The police, in particular, welcome the clarification of use through logging.

32. **Action 6 – Traffic Regulation Orders – policy consultation**

33. The policy was approved by the Authority in October 2007 following widespread public consultation. Officers have closely monitored actions by other national parks and believe it is important that this Authority acts responsibly within its own adopted Policy.

34. **Action 7 - Safety and signage**

35. Signs have been placed by DCC and National Park Authority staff on all restricted byways. Further signage is available from DCC for areas of illegal use where action plans have been produced.

36. Signage is being redesigned for Long Causeway after consultation with interested parties. It is anticipated that this will act as a 'blueprint' for other similar sites across the National Park.

37. **Action 8 – Tranquillity**

38. Tranquillity has been identified as one of the key special qualities that affect the recreational experience in the National Park. An assessment of the tranquil areas of the National Park will be carried out using a model developed by the Campaign for the Protection of Rural England and developed further by the Yorkshire Dales National Park Authority. This involves identifying major sources of noise generation in and around the National Park such as major roads, quarries and railways and mapping these. Buffers are then drawn around these noise sources which will then show the parts of the National Park expected to have the highest levels of tranquillity. This mapping work is currently not yet available as a geographical information system (GIS) layer and so further consideration of this technique is required.

Conclusions

39. During the next 12 months officers will further implement this strategy, within existing resources, and will:

- Finalise and begin implementing (with partners) management plans for the 8 higher priority 'may be unsustainable' routes as per Services Committee (September 2008)
- Commence work on the management plans of the other 15 routes defined as 'may be unsustainable'
- Liaise with DCC over the issue of legal status and mapping of routes
- Develop the information available on the Authority's website and via e-mail communication
- Work in partnership with DCC, the police and users to address illegal use on routes in accordance with the impact of this activity on conservation of the national park (e.g. action plans, signage, use of loggers)
- Keep members informed of progress through informal briefing notes and reports, as appropriate

Resources

40. Within existing resources, progress is being made, as far as possible, towards the Strategy Actions and the agreed higher priority management plans. This will be alongside other rights of way work.
41. Resources have been discussed at meetings of the Services Committee and members will have an opportunity to consider any resourcing issues in context of other priorities and as part of the longer term financial planning process during September – November 2008.

Risk Management

42. The Policy and Procedure on making Traffic Regulation Orders sets out clearly the steps that must be followed where a TRO is deemed as being the only way to resolving a problem. This is important in relation to the risk of High Court action, and public inquiry over unresolved objections.
43. The Strategy provides a framework for prioritising and managing recreational vehicular use of unsurfaced highways, and addressing off road use, by the Authority with its partners.

Human Rights, Equalities, Health & Safety

44. The rights of legitimate users, landowners and the health and safety of users are considered in the Strategy and Policy.

Consultees

45. Internally with: Management Team, Head of Access and Recreation Service, Head of Law, Head of Environment, Heritage & Conservation, Head of Communications and the Member representative for Sport and Recreation.

Enclosures

46. **Annex 1** The Peak District National Park Authority Policy and Procedure for Traffic Regulation Orders
Annex 2 Briefing note from DCC on the Winchester Case

List of Background Papers (not previously published)

47. None

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Publication date

49. 25 September 2008

