

**8. ACTION PLANS FOR THE MANAGEMENT OF RECREATIONAL MOTORISED VEHICLES IN THEIR USE OF UNSEALED HIGHWAYS AND OFF-ROAD (A7622/SAS)**

**Purpose of the report**

1. This report sets out how the Authority's strategy for the management of recreational motorised vehicles will be implemented for 2015/16. Detailed action plans for priority routes, illegal use and communications and updates on the progress in 2014/15 are provided. The report also provides guidelines on the implementation of voluntary restraint.
2. **Key issues include:**
  - Progress on managing recreational motorised vehicles
  - Green lanes as a resource for all
  - Partnership working
  - The Authority's involvement and commitment to this area of work

**Recommendations**

3.
  1. **That the action plans at Appendices 4, 5 and 9 of this report are approved, that progress is noted and that a follow-up report be brought to this Committee in 12 months' time.**
  2. **That the guidelines on voluntary restraint at Appendix 3 are agreed to inform the Authority's strategy, policy and procedure on recreational motorised vehicles.**
  3. **That the proposals to develop green lanes as a resource for all are noted.**

**How does this contribute to policies and legal obligations?**

4. The work contributes to:
  - (i) Corporate Objective 8 – provide and enable recreation services that promote health benefits, widen participation, reduce impact on the environment and manage conflicts between users.
  - (ii) National Park Management Plan – Partnership for Progress 2012-17  
WI4 under the welcoming and inspiring theme is the relevant outcome: Accessible and diverse recreation opportunities will be available for all, encouraging healthy living, enjoyment of the landscape and a sense of adventure.  
The relevant delivery aims are:
    - Improve recreation opportunities for all, which encourage a sense of adventure, promote health and well being and are sustainable and appropriate to the National Park landscape
    - Have an integrated, well managed and inclusive rights of way and access network, which encourages responsible enjoyment by all
    - Work together to minimise damage and disturbance on unsealed routes
  - (iii) Strategy for the Management of Recreational Motorised Vehicles in their Use of Unsealed Highways and Off-road, and Procedure for Making Traffic Regulation Orders (TROs).
5. It is considered that the work will contribute to the emerging corporate strategy for 2015/19 for our visitor and environmental management objectives to enable connectivity of access, to deliver landscape scale conservation and enhancement, to promote opportunities for people to connect with the National Park, and to promote excellence in land & resource management and visitor experience.

## Background

6. On 1 October 2007, under the terms of Section 72 of The Natural Environment & Rural Communities Act 2006, National Park Authorities (NPAs) were given powers to make Traffic Regulation Orders (TROs). The accompanying guidance for National Park Authorities states that the powers are “part of a package of measures to control excessive or inappropriate use of mechanically propelled vehicles away from the ordinary roads network”.
7. A revised strategy and procedure for the management of recreational vehicular use and for making TROs was adopted in February 2012 (Minute 6/12). Members also resolved, in July 2011, to increase the resources available for implementing the strategy in order to accelerate the existing partnership work with Highway Authorities and the police and to extend this area of work across the whole of the National Park. As part of this detailed action plans were to be provided to this committee. A further extension of resources was agreed in October 2013 (Minute 49/13).
8. The strategy is attached in Appendix 1. The aims of the strategy are to work in accordance with statutory purposes and duties, in active partnership wherever possible, to protect the special qualities of the National Park which include its open landscapes, bio-diversity, cultural heritage and the settlements of its local communities. Where excessive or inappropriate use of mechanically propelled vehicles away from the ordinary road network threatens the existence, quality and enjoyment of those qualities and the sustainability of unsealed roads, the Authority will take appropriate action in line with the principles set out in the strategy.
9. In March 2014, this Committee approved actions for 2014/15 in the key areas of work required to deliver the strategy. Detailed action plans were provided for green lanes, illegal use and communications. It was resolved at the meeting that a follow up report for the period 2015/16 would be provided in 12 months’ time (Minute 16/14).

## Green Lanes

10. Routes which have or may have the potential to carry motorised vehicle rights are a valuable resource in terms of the contribution that they can make to the access network. They may be byways open to all traffic (BOATS) or unsealed unclassified roads (UCRs). BOATs are defined as highways over which the public have a right of way for vehicular and all other kinds of traffic, but which are used by the public mainly for the purpose for which footpaths and bridleways are so used. UCRs carry rights of at least those on foot but the legal status of UCRs remains to be determined by the relevant Highway Authority, irrespective of the use that takes place. Because of this uncertainty, UCRs are not always shown on Ordnance Survey mapping or are shown as Other Routes with Public Access (ORPAs).
11. Green lanes are multi-user routes valued for their importance as recreational links, for their cultural and natural heritage and as green corridors, and as a community resource. In the Derbyshire part of the National Park there are approximately 150 unclassified roads (UCRs) and 26 Byways Open to All Traffic (BOATs); elsewhere in the National Park there are approximately 75 UCRs and 7 BOATs. These figures are approximate because of the ongoing process of legal status investigation undertaken by the Highway Authorities.
12. The work to date has focused on managing recreational motorised vehicles on these routes and off-road to reduce impacts on the natural beauty and amenity of the National Park in accordance with our purposes, statutory obligations and the strategy. It is also

proposed that, in addition to this work, green lanes are approached and dealt with as a resource for all by mapping the extent and distribution of routes with possible vehicle rights and refreshing the sustainability analysis to tie in with the Authority's strategy.

### **Accessibility**

13. In accordance with the Authority's ongoing duty under the Equality Act for decisions which may affect those with protected characteristics, measures have been considered on those 4 routes where Traffic Regulation Orders (TROs) have been made. This includes surfacing improvements, improvements to structures, and opportunities for dedicated disabled parking. This is in addition to agreement for access on application where access is other than by disabled vehicles. A continuing dialogue is maintained with representatives on accessibility issues and a section on accessibility is included in the TRO report attached in Appendix 2.
14. As part of the work to update green lane resource information, it is also proposed to identify routes which may be particularly suitable for less-able users.

### **Voluntary Restraint**

15. Voluntary restraint is one of the options available to manage impacts on routes. Defra guidance (2005) states that 'voluntary restraint can be a useful tool for management of byways where reductions in mechanically propelled vehicle traffic is desirable, but not where the prohibition of mechanically propelled vehicles is agreed to be necessary.'
16. Voluntary restraint can provide a way of reducing impacts on a route, and although it lacks the legal enforceability of a legal regulation of use, with the support and participation of the vehicle users there is an element of self-policing. Voluntary restraint also has the advantage of being quick and flexible to implement, in order to tackle problems such as damage or disturbance on a route at particular times.
17. Appendix 3 sets out the guidelines for considering, implementing, and assessing voluntary restraint measures. During 2015/16, it is proposed that voluntary restraint be adopted as a management option on 2 priority routes. Further voluntary restraint on other routes with possible vehicle rights will also be considered on application.

### **Priority Routes Action Plan 2015/16**

18. The Priority Routes Action Plan (Appendix 4) identifies actions on 29 priority routes considered to be potentially unsustainable and requiring improved management. These were identified by way of a baseline surveys in 2007 for the Derbyshire routes and 2012 for routes elsewhere in the National Park. There are 18 routes in Derbyshire and 11 in areas covered by other Highway Authorities. Routes where there are no longer any rights for motorised vehicles whether by way of clarification of legal status or traffic regulation orders are now shown in the Illegal Use Action Plan (Appendix 5).
19. Actions are based on route objectives developed in line with the principles of the Strategy. Some of these actions are dependent on or awaiting actions by the relevant Highway Authorities who have the responsibility for the determination of the legal status and the management of these routes.

The following actions are identified:

- Vehicle logging and monitoring on all 29 priority routes
- Proceeding with consultations on TROs on 2 routes
- Trialling voluntary restraint measures for 2 routes

- Compiling route summary reports for 3 routes
  - Clarification of legal status by Derbyshire CC ongoing for 8 routes
  - Repairs by Derbyshire CC proposed for 5 routes
  - Voluntary work party on 1 route
20. The action plan is accompanied by background reports for the routes in Derbyshire and 4 routes in Staffordshire. These are available at [www.peakdistrict.gov.uk/priorityroutes](http://www.peakdistrict.gov.uk/priorityroutes) and shown in Appendix 6. Route action plans show issues, objectives, and past, present and future actions. Route summary reports provide details of use, condition, and consultations and replace the previous management plan format. The route action plans are updated annually. The route summary reports have been updated to incorporate latest use figures, legal status changes and environmental information.
21. Local Access Forum (LAF) recommendations have been provided for all the priority routes in the Derbyshire part of the National Park and the first 4 routes in Staffordshire. The LAF will continue to assess the remaining priority routes within the National Park which fall outside Derbyshire with a view to route summary reports being prepared.
22. Appendix 7 groups the priority routes into various areas of work. For some of the priority routes, issues which originally resulted in their classification as 'may be unsustainable' may no longer apply such as the routes becoming cul-de-sac routes or where the repairs have successfully resolved concerns. Routes where repairs have been proposed and confirmed by the Highway Authorities are also shown and the action plan identifies where the NPA will continue to liaise with the Highway Authorities for repairs. For all priority routes, the need for continued monitoring remains.
23. Appendix 8 gives details of the work that has taken place in the last 12 months. During this period, there has been:
- decisions to make a TRO on 1 route
  - TROs made on 3 routes (see Appendix 2 for summary of TRO work by the Authority)
  - route summary reports on 4 routes
  - repairs on 3 routes
  - legal status determined on 4 routes
24. Priority routes are the focus for concentration of resources, however, officers also offer advice and support and undertake work on other routes used by recreational motorised vehicles in the National Park. In addition, requests are made from time to time to add routes to the priority routes list for the National Park and/or to make TROs on these routes. During 2015/16, the Authority will identify through the sustainability analysis the routes that fulfil the criteria appropriate to the special characteristics of the National Park.

#### **Illegal Use Action Plan 2015/16**

25. The Illegal Use Action Plan (Appendix 5) identifies the locations where motorised vehicle use is taking place, either on routes which carry no vehicle rights, routes which are permanently restricted such as by way of traffic regulation orders, or on land adjacent to routes with vehicle access. The action plan identifies those routes where detailed monitoring and actions are required.
26. All reports of alleged illegal use are investigated. Where routes are particularly sensitive, action plans have been produced and implemented. On the routes where traffic regulation orders have been made, detailed monitoring is undertaken. This is set out in Appendix 2.

27. Officers work with the Highway Authorities to ensure that illegal use routes are signed correctly and have appropriate barriers, where necessary. Officers work with the police to prioritise operations from information received and from vehicle logging.
28. The number of illegal use routes now stands at 17. This includes 4 routes on which we have made traffic regulation orders and an additional 4 routes where, as a result of legal classification, vehicle rights have been determined to no longer exist. Appendix 8 sets out the work that has taken place within 2014/15.

### **Green Lanes Communications Action Plan 2015/16**

29. The Communications Action Plan (Appendix 9) details actions to maintain and improve operational liaison and improve the availability of information via website, leaflets and newsletters. It focuses on the partnership approach to this area of work. This includes:
  - Liaising with the Highway Authorities on signage, repairs and maintenance, clarification of legal status, and traffic regulation as appropriate on priority routes and on other routes where issues have been identified, including those where illegal use is occurring
  - Working with the police on enforcement and education operations on the priority routes and illegal-use routes
  - Receiving advice from and facilitating the collation of route information by the Peak District LAF, an independent statutory group representing local communities, recreation users, conservationists and land owners
  - Exchanging information with the Green Lanes Forum (GLF), a group comprising recreation users, lobbying organisations, community interests, and the police
  - Establishing and maintaining a dialogue with vehicle user groups
  - Liaising with key partners including landowners, recreational user groups and communities
  - Working with volunteer work parties to monitor, repair and maintain the condition of routes
  - Drafting up a green lane protocol between the NPA and Highway Authorities
30. This action plan provides an overview of the role of the National Park Authority and the responsibilities of the Highway Authorities for the management of these routes. The Local Access Forum's input is also set out. Details of meetings with the Local Access Forum can be found at [www.peakdistrict.gov.uk/laf](http://www.peakdistrict.gov.uk/laf). Details of the Green Lanes Forum can be found at [www.peakdistrict.gov.uk/glf](http://www.peakdistrict.gov.uk/glf).
31. Appendix 8 gives details of the work that has taken place in the last 12 months. During this period there has been:
  - Meetings of the LAF and site inspections by the sub-group
  - The establishment and meetings of a vehicle users group
  - The launch of a green lanes newsletter for all users of green lanes to replace the previous one which was aimed at vehicle users
  - Website updates to include access and rights of way information
  - Liaison meetings with DCC
  - Police liaison and operations

### **Summary**

32. The Strategy emphasises the need to protect the special qualities of the National Park and that responsible and sustainable use and a partnership approach is inherent in doing this. The action plans are a means to focus resources in 2015/16 with the involvement of those with remits for or an interest in mechanically propelled vehicles in the National

Park.

**Proposals**

33. It is proposed that the action plans at Appendices 4, 5 and 9 be approved, that the guidelines on voluntary restraint are agreed, and that progress and proposals for future work on developing green lanes as a resource be noted.

**Are there any corporate implications members should be concerned about?**

34. **Financial**

The Authority budget planning (for 2014-15) included a proposal for increased resources this area of work until the end of 2015. This level of funding will allow continued progress on the matters identified in the Action Plans until December 2015.

35. **Risk Management**

There is an element of reputational risk to the Authority in respect of expectations on the part of third parties not being met. There is also the potential for legal actions as a result of actions arising from the strategic stance set out. However the Strategy and Procedure are clearly grounded in respect of the Authority's legal powers and abilities and have been drafted within realistic parameters in terms of deliverability.

36. **Sustainability**

This report addresses sustainability issues in the context of both the National Park Management Plan and the Authority's statutory purposes, duty and legal powers.

37. **Equality**

The requirements of the Equality Act 2010 have been met in the consideration of actions and the ongoing requirements to have regard to the duty.

38. **Background papers:**

None.

39. **Appendices:**

1. Strategy
2. TRO Report
3. Voluntary Restraint Guidelines
4. Priority Routes Action Plan 2015/16
5. Illegal Use Action Plan 2015/16
6. Priority Routes Map
7. Priority Routes Summary
8. Action Plans 2014/15 - Update
9. Green Lanes Communication Action Plan 2015/16

**Report Author, Job Title and Publication Date**

40. Sue Smith, Rights of Way Officer, 12 March 2015