

Consultation on the PDNPA Strategy for the Management of Recreational Motorised
Vehicles in their Use of Unsealed Highways and Off-road
7 December 2011 to 15 January 2012
Summary of Responses

Peak District Green Lane Alliance and Ramblers Association

- Recommend establishing a sub-committee of members to assist with decision making and monitoring progress.
- Section 25 of the Localism Act 2011 removes the need for members and officers to keep an open mind on such issues as the imposition of Traffic Regulation Orders (TROs).
- Should not limit the grounds on which TROs may be imposed, and should include maintenance and safety. Highway Authorities focus on accident records however the fear of potential accidents will prevent use of routes. It is unrealistic to expect large sums to be available to maintain routes.
- Recommend TROs at Long Causeway and the Roych.

A Member of the Authority – The routes are important landscape features and have associated historic features. Include reference to heritage in the context and aims of the strategy. Also include in the grounds for making a TRO.

Peak District Local Access Forum (PDLAF) - resubmission of presentation at Authority meeting:

- Policy review is timely. Unsustainable use by mechanically propelled vehicles (MPVs) has increased exponentially and the issue has become a serious nuisance to local communities, and to all who come to the National Park for quiet enjoyment.
- Two factors are critical: the Authority is not the Highways Authority (HA) and the major impediment to confronting inappropriate use has more to do with statute law protecting legal user than with any policy of the Authority.
- The prime reason recommendations on the most contentious routes were not followed by the HA was to do with fear of litigation rather than constraint by any policy. The strategy and papers are stronger on aspiration and intent than on ability to deliver and may raise expectations which cannot be met.
- Recommend annexes include: a guide to the legal framework contained in Road Traffic and other statutory legislation regarding legal rights of user; the duties of Highways Authorities including those relevant to National Parks; a template for assessing what constitutes environmental damage and unsustainable use; a template on safety; principles governing the protection of public funds vested in the repair of damaged ways; an approach to determining when protecting MPV user may be deemed to mitigate against all other legal user.
- Item 4 refers to both determination of status and signage. The former is a minefield of a task confused by legislative failure and not one for this Authority.
- Item 6: user groups are every bit as important in this role as they are at item 5. Their omission from item 6 is a serious oversight.
- The importance of recognising user groups as part of the solution is generally understated. They will be more effective in the long term than statutory bodies.

Peak Rights of Way Initiative - resubmission of documents:
Presentation to the PDNPA (October 2007)

- Offer of assistance to be a bridge with mpv groups
- Imposed TROs breed resentment; consensus agreements are free and more workable

- University of Edinburgh work on resolving environmental disputes; LARA brokers excellent Code of Conduct & Voluntary Restrain package; making use of the CCPR initiative Best of Both Worlds
- Sandford is not conservation has priority over recreation
- The National Parks belong to us all

Letter to the Chairman of the PDNPA with attachments (February 2008)

- TROs are not a panacea and they must be proportionate
- Restriction or regulation of public rights is a serious matter requiring cognizance with the law, fact finding & evidence is required; Defra's Making the Best Of Byways gives practical advice
- A duty must be discharged before a power can be used; lack of maintenance is not an excuse for a TRO; it is the highway user who must benefit in the first instance; comment on wear & tear
- Official advice is to choose the least restrictive option; ensuring least cost, least enforcement, and least risk of a legal challenge

Address to the PDNPA Services Committee (March 2008)

- The Policy speaks of partnership & co-operation we want to help we could strengthen the Park Officers work by avoiding unnecessary cost and time.

Record of Meeting with Park Officers (April 2008)

- Requested by PROWI to explore practical ways of improving communications and implementing meaningful 'Partnership & Co-operation' particularly over the identification of routes requiring management by a methodology currently devoid of objective measurement
- The offer of voluntary 'Lengthsman' to reduce maintenance cost
- Closer liaison over information in leaflets.

Presentation to the PDNPA (July 2011)

- In support of the PDLAF whose report suggested that the PDNPA strategy should consider how it might assist the responsible mpv users; by bringing them into a meaningful dialogue; by changing the Boards management style into one which was more inclusive through joint problem solving; working with, rather than directing efforts at this legitimate section (mpv) of the public.

Presentation to the PDNPA Board (December 2011)

- Regret that past offers have not been taken up and that PROWI has not been invited onto the vehicle management forum
- The dangers of choosing to use the TRO as the preferred method of mpv management; it must be justified by weighed evidence or it will be open to legal challenge
- Sandford has been superseded by the Environment Act and the Peak Park is in danger of being at variance with this Act.

Peak Horsepower - resubmission of presentation at Authority meeting; includes a list of lanes considered too dangerous for horse riders to share with vehicles:

- Few, if any riders, will now use those lanes on the list which are heavily used by offroaders because they are afraid of having an accident.
- Offroading in the Park is not only an environmental issue affecting the big iconic routes and Sites of Special Scientific Interest (SSSIs), but an access issue which is having a devastating effect on horse riders.
- Cannot ignore safety on the grounds that it is a matter for Derbyshire County Council (DCC).
- Consider TROs on safety grounds in order to restore horse rider access to the Park's local lanes and byways.
- The lanes identified are narrow with blind bends and steep banks and horses are particularly frightened by engine noise from offroad motorcycles.

- There are also other lanes which riders can no longer safely use due to the surface conditions.
- Start using barriers to protect bridleways from illegal offroading.
- Members of the Board must continue to be closely involved in the overseeing the implementation of the strategy.

The Green Lane Association Ltd (GLASS) – Derbyshire Area

- Support the response provided by Peak and Derbyshire Vehicle User Group (PDVUG).
- New information not available at the time of the Authority meeting is provided in DCC's policy for motorised vehicles which is now out for consultation.
- Recommend including aspects from DCC's document as they relate to partnership and positive action rather than the Authority approach of banning through use of multiple full-time TROs which are likely to be challenged. These include protecting opportunities for recreational driving where appropriate, voluntary management and restraint, and TROs as a last resort.
- On sensitive routes popular with horses or pedestrians, a TRO might be appropriate which restricts motor vehicles to non-peak times (Monday to Saturday (except bank holidays)) when fewer pedestrians and equestrians are likely to be present.
- All legal drivable routes (BOATs and NCH/UCRs) should have "multi-user" advisory signs installed to reduce conflict between users.
- The above, plus possible seasonal restrictions on "soft" surfaces particularly affected by winter weather, would avoid the need for complete bans which are likely to cause bad feeling and result in over-use of the remaining legal routes.
- Where maintenance is an issue, GLASS and other user groups can offer voluntary labour to maintain the route. The Authorities have not maximised the use of such volunteers to date.

The Manchester 17 Motorcycle Club Ltd.

- Those individuals found to be deliberately taking part in illegal activities or conduct should be subject to due investigation and appropriate legal action. This should not adversely affect the rights of those acting legally.
- Trespassing is not restricted solely to vehicle users but is something that can be laid at the door of all user types.
- Vehicle users enjoy the National Park just as much as anyone else - as they have a right to do. Our way is neither better nor worse than anyone else's way, it's simply different.
- The Peak District is a National Park: it is there for all the nation, no matter who they are, where they live or what they do.
- Vehicular use of unsealed lanes is not inconsistent with National Park purposes.
- Some of the linear routes in the Peak District have been present for hundreds, if not thousands of years, they can not be classified as "natural beauty" in themselves. Queries whether *Sandford* has any primacy of significance here, any more so than it does over tarmac roads
- Wear caused by the users of footpaths, bridleways and access land rarely leads to total and permanent closure of a route. Diversion or the creation of an alternative perhaps, but not complete closure as often happens for vehicles. This is suggestive of an imbalance in the attitude towards – and approach taken by - the authorities (including PDNPA) as regards vehicle users when compared to other users.
- That a route is shared by all should be understood, accepted and acknowledged by all and their personal conduct adjusted to fit in with all.
- Mechanisms must be found to communicate with as many users and groups as is possible. Communication is a two-way thing, both receiving and disseminating information.

- Noise is already governed by the appropriate vehicular regulations and is a matter for the Police, not for the Authority.
- Responsible motoring brings a social and health benefit to the individual and the community in providing access to leisure and sport, especially for youngsters, in the form of trials and other events.

Peak and Derbyshire Vehicle User Group & Peak Rights of Way Initiative

- There are a number of serious errors through the incorrect use of terminology; improper utilisation of concepts; and the mis-application of relevant legislation.
- In tone, the Strategy appears unfair and prejudicial to the recreational vehicle users who are a legitimate section of the visiting public.
- The ethos is parochial and the content is heavily biased towards satisfying the demands of a minority of the National Park's residents, rather than recognising the fact that the Park is there for the nation as a whole.
- The Strategy is discriminatory towards recreational vehicle users and relies on arbitrary and subjective concepts, which gives the impression that there is a policy of closing the Park's unsealed highways to recreational use.
- In an attempt to mollify those opposed to recreational driving, the Authority appears to have constructed a Strategy, which ignores both pragmatism and the best advice from government.
- We will not shy from pursuing appropriate legal action to protect our interests.
- The Strategy is incorrect and misleading in its use of the term off-road driving.
- The phrase "control excessive or inappropriate use of mechanically propelled vehicles away from the ordinary roads network" is not contained within the NERC Act, but, appears in the introductory text of the Defra 'Guidance for National Park Authorities making Traffic Regulation Orders under section 22BB Road Traffic Regulation Act 1984. As such, the phrase represents nothing more than a Defra opinion and it is not reflected in the legislation.
- The reference to unsealed highways implies that they are somehow different to those which are sealed in terms of status and applicability to vehicle use.
- The Strategy suggests a conflict between vehicle users and others on Rights of Way (RoWs), with the implication that recreational vehicles prevent other people's quiet enjoyment of the National Park. The greatest contributor to any such conflict is that of other users not being aware of the status of the highway they are on and an almost universal belief that vehicles have no right to be on any route.
- The Authority has shown no real willingness to work in serious partnership with the recreational vehicle users, and we question its sincerity in this matter.
- Legal use of vehicular RoWs and other highways does not uniquely impact on any of the 'special characteristics', particularly when compared to the impact of other users in their much higher numbers.
- Of the special characteristics, two of them: 'thousands of years of human influence' and 'the cultural heritage', are synonymous with our using the few remaining RoWs and other highways, which carry vehicle rights.
- Free use of the RoW network allows vehicle users their understanding and enjoyment of the special characteristics.
- We are expected to (and wish to) demonstrate tolerance and understanding towards other users; but we ask that reciprocal behaviour is encouraged by the Authority from other users.
- Our expectation to experience the 'quiet enjoyment' of the Peak District through our activity is as valid as anyone else's.
- Closing even a few of the vehicle routes will have a disproportionate impact on our amenity because only a very small percentage of all RoWs are Byways Open to all Traffic (BOATs).

- We expect the Authority not to act unfairly, disproportionately or in any discriminatory fashion, which leads to a reduction of the amenity available to vehicle users.
- The Environment Act s62(1)(2) enshrines in law the issue at the heart of the Sandford Principle, and hence the Sandford Principle should only be referred to through the wording of the Environment Act.
- The Environment Act s62(1)(1) states: A National Park Authority... shall seek to foster the economic and social well-being of local communities within the National Park, but without incurring significant expenditure in doing so.
- The Strategy does not need to refer to illegal driving - that is a matter entirely for the police.
- Reference to Government guidance should be at the start of the procedures document.
- Discussion and consultation should come first.
- Should be made clear that resort to a TRO is not an easy panacea, requiring care, time and cost.
- Immediate voluntary restraint which can be initiated by LARA's existing and proven scheme almost overnight offers the best way forward: particularly where the issue may be one of persistent intermittent flooding and soft ground.
- All TRO decision making must be soundly arrived at, accountable, and completely transparent.
- We strongly recommend that among the 'known interest groups' to which the document refers you would include at least both of the groups from whom this is a response (PDVUG and PROWI).
- The TRO process is not applicable to 'Off-Road' situations where the RTA does not apply.

Yorkshire Dales Green Lane Alliance

- The Authority's strategy paper, and the accompanying procedure paper are generally fine, as far as they go. But they don't go very far.
- A brief comment on the relationship between the use of recreational motors and the special quality of tranquillity and quiet enjoyment might usefully be added: it is obvious that tranquillity cannot be preserved in those areas of the park where recreational motorists are active.
- Section 4 has nothing to do with the imposition of TROs. The rights-of-way status of any particular way does not have to be established before a TRO may be considered.
- Section 7 says that the Authority will not normally consider making TROs. The Authority has the legal powers to make them, and is obliged, by the Sandford Principle, and by considerations of the special qualities of the Park, to assess the need for them. Rather than waiting for dilatory highway authorities, for whom green lanes are a very low priority, PDNPA should be taking the lead in making TROs.
- Section 5 says that the Authority will work with motoring groups to establish voluntary codes of conduct. Such codes are futile. There is no documented research that demonstrates that such codes are effective.
- Although the procedures paper lists the variety of TROs that are available, it does not sufficiently explore the potential, and the drawbacks of the various options.
- A great deal of money can be spent on repairing damaged tracks. If the main contributor to the damage is shown to be the passage of non-essential motors, there is no point in spending precious money to bring the track back to the condition it was in before recreational vehicle use became popular. The route will immediately start to deteriorate, once again. The solution is to recognise the unsuitability of such tracks for 4x4s and motorbikes and to impose permanent TROs.

8 individual responses:

- Traffic Regulation Orders that ban motorised vehicles on specific routes are needed instead of action plans to manage the tracks
- The Strategy should state that, where the council's duty has not been carried out, with the result that the route is damaged by vehicles, the Peak Park would make TRO's. Paragraph 7 states that in these circumstances the authority will not make a TRO
- Using the allocated money to put routes into a decent condition once a TRO is made is preferable to patching up damaged routes so that can say a TRO is not needed. The materials will be ordered by March 2012 before any TRO is made
- Employing an additional person will cost £100k when the Yorkshire Dales National Park made 9 TROs without any extra staff
- The Authority is not serious about making TROs as it has not stated the routes on which it will make them despite the most damaged routes being known.
- It is not necessary to work with the County Council to establish the legal status of a route before making a TRO.
- For targets to have any value they should set the date for making the first order instead of referring to commencing legal proceedings. Consultation letters should have been drafted to go out after the meeting.
- Making TROs to ban vehicles does not appear in the list of items
- Don't need a strategy, need a decision to make TROs on specific routes
- The urgency for protecting vulnerable tracks was identified 4 years ago.
- A welcome and necessary attempt to address an unsustainable and deteriorating circumstance, which cries out for remedy
- The National Park's twin statutory purposes reference the legitimacy for a policy but policy must also reference the framework of statutory legislation regarding public rights of way. A distinction should also be drawn between what the law states, and guidance on its interpretation that has not been tested in the Courts.
- The robustness of the policy is dependent on the members who agreed it being fully conversant with relevant statute law.
- To meet statutory obligations, the policy should emphasise its equal relevance to all users of public rights of way and where conflict arises any resolution must have regard to the Sandford Principle (1974).
- The policy should attempt to remove risk of raising expectations which cannot be met (because of the absolute requirements of statute law), or a sense that rights are being subverted. Remove subjectivity and room for interpretation by defining the process officers will follow in discharging policy
- Although the Authority is not the Highway Authority, the policy should state how the Authority approaches assessments as obtained through a process of consultation with relevant parties.
- A consensus on prioritising routes was reached by devising a template. Equal handedness, transparency and consistency in process will assist successful delivery of policy.
- The policy paper should be supported by appendices on environmental damage, sustainability of surfaced areas for all legal user groups, heritage, safety, safeguarding of public funds.
- The Authority's policy should not appear to penalise any particular user groups, but should equally address potential for conflict between non MPV user.
- The policy should recognise the range of different issues raised eg moorland ways remote from habitation have different issues to those close to village communities (and typically enclosed by boundary stone walls). The issue of behaviour is outside the direct remit of the Authority's policy but is one which is particularly relevant to village communities, and it can only be beneficial to the policy that those communities see their concerns acknowledged in it, as appropriate.

- Liaison with representative user groups is integral and they must be presented as partners in finding solutions. User groups are better at influencing behaviour through peer grouping than statutory bodies. The TRF's Code of Conduct, for example, is exemplary.
- Representative user groups should be included in the list of essential consultees appropriate to the process of consultation for TRO's. The importance attached to use of a route and perception of problems will invite alternative solutions.
- Determination of status is outside the remit of the Authority.
- A consequence of a lack of clarity on the existence of rights is that pressure mounts to limit unsustainable use as the only option.
- 4 wheel drive vehicles at Long Causeway at Stanage impact on the wilderness of the area and cause erosion.
- Difficult to understand why the number of participants as compared to their impact are allowed there
- Generally welcome the tone of these new documents, and look forward to the first steps towards positive management of off-roading through the utilisation of the powers to enforce TRO's on routes within the PDNP, not one where the PDNPA sits on the fence and attempts to protect the rights of access for all regardless of their impact on other legitimate users or the environment of the Park.
- Voluntary agreements would be unlikely to be successful in the majority of cases
- Motorised vehicles using unsurfaced roads is, by definition, unsustainable. Questions the statement within the strategy: "We will manage off-road motorised recreation in the context of the National Park's valued characteristics, so that legitimate users can enjoy the area without damaging the landscape or other people's enjoyment of it." Whether an off-road user is legitimate or otherwise, their use of unsurfaced roads causes damage and interferes with the enjoyment of others
- In Section 7, it looks as if PDNPA intend to take a rather guarded approach by buck passing to a Local Highway Authority. This section might have been structured in such a way as a 'let out' clause for PDNPA not to do anything on a particular unsealed route by washing its hands of its responsibilities by coming up with excuses.
- Queries the procedure or strategy to receive Traffic Regulation Order requests.
- The 'Landscape Strategy and Action Plan' appears to be ignored by Rights of Way Officers at the expense of trying to appease the 'off-roaders' or 'green laners'.
- Off roading or green laning is not a healthy recreation, unlike walking, cycling or horse riding.
- Queries the response that the PDNPA will make to DCC's policy proposals where they fail to concur with PDNPA's own policies for the management of green lanes within the National Park.
- Off roading will produce noise and smells which are foreign and destructive to the peace and clean air of the Peak District.
- Urges the NPA to take stronger measures to: preserve the majority of routes for quiet enjoyment; close the most sensitive routes to 4x4s and trail bikes as soon as possible; work with the police to encourage them to take firmer action against illegal off-roading; work with others on developing dedicated, less sensitive areas for off-roading (not at public expense), improve the condition of the most sensitive legally used routes and reduce the disturbance to other users; use controls and take remedial action to limit damage and disturbance to other users.

23 responses from trailriders - A number of them make the point that they are members of local Trail Riders Fellowship groups who visit the National Park for a variety of reasons not just for trail riding.

Demand/Use

- The term off-roading should not be used for legal users

- Many legal rights of way have been lost
- Agree with policy to prosecute illegal users
- Importance of the BOAT/UCR (Unclassified Roads) network as a means to escape and enrich city life
- Reasonable selection of lanes to access in the PDNP
- The use of recreational vehicles should be encouraged so as not to lose the history of the byways
- These routes contribute to the unique nature of National Parks (NPs)
- Use of byways is not the same as going off-road
- Trail riding is enjoyable and a physical activity with health benefits
- One of the special qualities is the existence of legal and historic unsurfaced highways. The PDNPA has a duty to preserve these for the use of recreational motorised vehicles
- It fails to recognise either the inherent legitimacy of recreational vehicle use or the national importance of the green lane network in this area.
- There is a considerable demand from the public for recreational vehicle access to the countryside, this demand is legitimate and the green lane network represents the only viable resource available to accommodate this demand.

Discrimination

- Considerably fewer routes are available than for other user groups
- Targeted attack on one user group
- Other groups also create erosion and wear problems
- Not being treated fairly or given equal representation
- The NP is for everyone's use and should be open for all users
- A small amount of slightly damaged and overgrown lanes are being used to restrict use
- All users of NPs should have the same rights
- A minority group who just wish to enjoy the countryside
- Trail riding should be encouraged and managed by NPs which are for everyone to enjoy
- Wrong to discriminate against certain user groups to satisfy another
- The PDNP is not just for residents but should also welcome responsible visitors
- The majority are being punished for the minority using illegal routes
- The rights of those on foot still far outweigh the rights of other legal users of the Peak District National Park
- People enjoy the Peak Park in different ways. It is not in the remit of the PDNPA or others to dictate how the Park is legally enjoyed
- Management of green lanes in this national park is not a parochial matter. It is a matter of great national importance to vehicle users

Maintenance

- The money spent on the Monsal Trail could have been used elsewhere for repairs
- Byways and UCRs are part of the heritage of the area and should be protected for future use by involving user groups in their maintenance
- Willing to assist in maintenance and repair damage caused by MPVs or poor drainage
- TROs should not be used as an excuse for poor, or lack of, maintenance or for safety reasons
- Consider voluntary repairs before closures
- What is the policy and strategy on erosion by all user groups and water erosion

Impact/conflict

- Conflict is being created intentionally on some routes
- Walkers are not forced to use the minority of routes that trail bikes can use
- Signposting routes for vehicles is a positive step to reduce conflict
- legal use by vehicles does not impact on the special qualities of the NP
- Vehicle users contribute to the local economy
- Doesn't come into conflict with other users
- Legal trail riders use bikes that are relatively quiet; illegal bikes should be dealt with by the police
- Byways and UCRs have been used for decades for farm traffic and vehicle use
- Even where a right exists there is a lack of understanding from other users
- The law has restricted the sound a bike makes so little impact on tranquillity in an area of countryside which is also an industrial and commercial place
- Horses that are wary of vehicles could keep to bridlepaths
- Silence is not a requirement of enjoyment in a NP
- Trail bikes do less damage than horses
- Follow Defra guidance by signing routes to educate all users as to status
- It implies that using an unsurfaced road has an adverse impact. There is no clear evidence base and no proof of the impact also caused by other users and it assumes a bias
- Legal use of public rights of way does not impact on the special qualities of the park, indeed the special qualities of the park are an ongoing and ever changing landscape affected by all users

Restriction

- Combat illegal use by a permit system and adhere to a code of conduct
- TROs should only be used as a last resort and be proportionate
- Queries action being taken to further access to vehicle users including withdrawal of TROs
- Queries the location, nature and the reason for the restriction on the 5 routes proposed to be subject to TROs
- Queries the repairs at Chapel Gate and whether it will re-open
- TROs can be a flexible management tool and can be used reasonably to reduce conflict and improve amenity
- Active management would be supported by most responsible vehicle users
- Problem is not the overall level of vehicle use but the concentration of use in key areas at peak times
- Use time limited closures to encourage a change in patterns of use
- Blanket bans will lead to displacement, increased illegal use, animosity and resentment
- A balanced approach could deliver benefits and the inconvenience would be worth it
- TROs can be graduated and variable to suit the kind of usage encountered
- Cost of maintenance is an issue but not a reason for restrictions
- A 2-wheeled exception could be applied when damage is caused by 4Wds
- Illegal and irresponsible use will not be stopped by banning the good guys
- TROs on lanes will only increase the pressure on those that remain
- TROs are not the only tool available for use
- Consider applying weight limits in preference to closing the route
- Consider banning horses from unsuitable routes
- Any changes should be in the best interests of those it concerns the most
- Benefits to encouraging proper use
- Closure must be based on clear evidence

- A permanent TRO must only be used when all other avenues have been exhausted; it is not the only management tool available. Any restrictions should be based on the least restrictive option
- Management does not mean prohibition! Traffic regulation orders are intended to allow traffic authorities to manage access not to ban legitimate recreational activities or criminalise lawful users. Peak time traffic restrictions on key routes could offer real improvements
- TROs should be the last resort, used only where problems are severe and no other credible option for resolution exists.