

Peak District Local Access Forum

Date: 13 March 2014

Item: 7

Title: Green Lanes Update

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Purpose of the Report

The report provides an update on progress with managing recreational motor vehicles in the National Park.

Action Plans

Actions plans are being reported to Audit Resources and Performance Committee (ARP) on 21 March 2014 (www.peakdistrict.gov.uk/committees). These identify actions for 2014/15 on green lanes, illegal use and communications. An update on actions during 2013/14 has also been provided. An overview of the priority routes was presented to the LAF Green Lanes Sub-group at the meeting in February.

As part of this work, the route action plans for the 24 priority routes in Derbyshire have been updated and can be viewed at www.peakdistrict.gov.uk/priorityroutes. It is proposed that during 2014/15, the LAF will commence their assessment of the priority routes in the areas outside Derbyshire with a view to route summary reports being prepared. Relevant Parish Councils will also be contacted. Where required, updates of the existing route summary reports will also be undertaken.

A report to ARP Committee in 6 months' time is proposed to evaluate progress. At the September meeting, consideration will also be given, where necessary, to identify further actions for 2014/15. Progress updates will also be provided to the sub-group and reported to the full Forum meetings.

Traffic Regulation Orders

In February, the Authority made a traffic regulation order permanently prohibiting all mechanically propelled vehicles from the Roych. The Authority has also resolved to make TROs at Chapel Gate and Long Causeway. It will proceed to make the TRO at Chapel Gate first as Derbyshire County Council's temporary closure is no longer in place.

The responses to the consultation on the proposal to prohibit mechanically propelled vehicles at Leys Lane are being considered and will be reported to ARP committee later on this year.

Action on a possible permit scheme at Brushfield-Upperdale is being held in abeyance pending the determination of the legal status. At this point evidence suggests that the route may not have vehicle rights but this is subject to determination by Derbyshire CC as the Highway Authority.

Number of routes

The Authority has been seeking to verify the number of routes with possible vehicle rights across the National Park. We have identified that, at this time, there are approximately 258 possible routes. This figure is less than that previously reported because, since the initial estimate, 35 claimed routes have either been abandoned as a result of legal judgment or have been determined as having no vehicle rights.

In Derbyshire there are approximately 150 unclassified roads (UCRs) and 26 Byways Open to All Traffic (BOATs). In the other parts of the National Park outside Derbyshire 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.

The Authority will now seek to map the extent, distribution and the status of routes using information to be obtained from a variety of sources including that from the constituent Highway Authorities. This information will be collated by the Authority although it is not the intention to maintain this as a legal record as it is for Highway Authorities to give guidance on legal usage. It will therefore serve as a 'snap shot' which is indicative only of the status of the routes at the time of production and is not intended to be relied on.

Legislation

Defra's response on reform proposals highlighted under the Deregulation Bill is set out below:

'Defra considers that any change to the current government framework for managing motorised vehicles should be the subject of a full public consultation. We believe that this issue needs to be fully debated and a separate package of policy measures formulated for implementation, through legislation if necessary, when a suitable opportunity arises.'

A letter has also been received from Lord De Mauley in response to the letter from the Forum which is attached in the appendix.

Accessibility

Letters have gone out to representatives of the LAF and user groups with a particular interest and knowledge of disabilities to explore on a route by route basis how present exemptions to the TROs are working or will work and whether there are further opportunities for inclusivity.

Recommendations

- 1. That the report is noted.**

Appendix 1



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for Environment
Food & Rural Affairs

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22 February 2014

From Lord de Mauley
Parliamentary Under Secretary of State for Natural Environment and Science

Dear Ms Edwards,

Thank you for your letter of 17 January about green lanes. I was pleased to meet you in December; I found my visit both useful and informative. Thank you for enclosing a copy of your Annual Report.

I note that your letter covers a number of issues both in terms of legislation and guidance and I am grateful that the Peak District Local Access Forum is able to provide such well informed and expert observations on the policy of motor vehicles in the countryside. You will probably have seen that in the Government response to the Joint Committee report on the Deregulation Bill, published on 30 January, it said "Defra considers that any change to the current government framework for managing motorised vehicles should be the subject of a full public consultation. We believe that this issue needs to be fully debated and a separate package of policy measures formulated for implementation, through legislation if necessary, when a suitable opportunity arises."

Therefore, to a large extent, the Government response reflects the thoughts of your Forum. We recognise that this policy area is a very important one that needs to be addressed either through legislation and/or guidance, but that there first has to be a proper debate to talk through all the issues as well as a full public consultation so that everybody has an opportunity to put forward their views.

The last national debate over use of motor vehicles in the countryside was in 2005 when a Framework for Action on motor vehicles was published. Any debate now needs to be a countrywide one, as this issue goes beyond the boundary of national parks, although their special qualities do require individual consideration. We may consider holding a national event as you suggest at some point, but the rights of way provisions in the Deregulation Bill are currently our priority.



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Our guidance has recognised the importance of local authorities, including national park authorities, working together. I am aware that Derbyshire County Council and the Peak District National Park Authority are working on a joint protocol and this is the sort of example that we would want to share around the country.

Resolving issues around the status of minor unsealed roads is something that we will be investigating in due course with the Department for Transport as part of proposal 30 of the rights of way reforms package advocated by Natural England's Stakeholder Working Group on unrecorded rights of way. This proposal recommended working with stakeholders to review the possible long-term benefits of greater integration of the management and administration of the highways network.

As you observe, issues around sustainability, safety, community needs and conservation are not matters that can be considered in deciding whether a public right of way should be added to the legal record. This is the way the legislation is and has always been framed, being concerned only with whether a public right of way exists in law.

The local highway authority can take these wider considerations into account when carrying out its statutory duties relating to day to day management; this applies to all types of public rights of way, not just byways open to all traffic, but bridleways and footpaths as well. I fully accept that these wider considerations and how they are managed in the future are part of the debate to be had on establishing a sustainable motor vehicle policy inside national parks.

Yours sincerely

Rupert de Maunloy

