



Department
for Environment
Food & Rural Affairs

Nobel House
17 Smith Square
London SW1P 3JR

T 03459 335577
helpline@defra.gsi.gov.uk
www.gov.uk/defra

Tony Gates, Chief Executive
Northumberland National Park Authority
Eastburn
South Park
Hexham
Northumberland
NE46 1BS

11 February 2016

From Rory Stewart OBE MP

Parliamentary Under Secretary of State for Environment and Rural Affairs

Dear Tony,

The use of 4x4s and motorbikes on public rights of way is a controversial and difficult issue for National Park Authorities. I am nevertheless resolute that such problems must be addressed so that you can safeguard the network in your area for the greater enjoyment of all users. In reading my correspondence and talking to Peers and other parliamentary colleagues, it is clear to me that, in certain hotspots, there are three major problems:

- Conflict between motor vehicles and other users;
- Damaged route surfaces especially where drainage is poor; and
- The illegal use of routes including where traffic regulation orders are in place.

You, of course, have considerable powers to deal with these problems and you have local knowledge about users and how to go about encouraging voluntary restraint. But I believe there may be the potential to make greater use of your traffic regulation order powers in controlling the misuse of motor vehicles, both on byways open to all traffic and other unsealed routes. I have been impressed by the successful introduction of traffic regulation orders in both the Yorkshire Dales and the Peak District National Parks.

As you may be aware, the Road Traffic Regulation Act 1984 enables you to restrict, prohibit or regulate the use of routes through traffic regulation orders, which can be permanent, temporary or experimental. They can apply all year or at specific times of year. Orders can prevent damage to a route, preserve the character of a route or conserve the natural beauty of a National Park, including flora and fauna, and geological features.

Without enforcement a traffic regulation order may have limited effect on preventing irresponsible use and therefore liaison with local police is an important aspect of any successful order. The police also have powers under the Police Reform Act 2002 to seize vehicles that are being driven in a careless and inconsiderate manner and in a way that causes alarm, distress or annoyance. Enforcement may also require physical barriers to control access, but these should be in keeping with the local area and not prevent other legitimate users using the route.

Temporary traffic regulation orders are easier to introduce, are more flexible and can be used where there is a likelihood of danger to the public or serious damage to a route, and if work is planned on or near a route.

Many of the unsealed routes in National Parks are not recorded on the definitive map and statement, and clarifying their status by recording them, often as a restricted byway, can be a quicker and more direct way of managing motor vehicle problems. As you know, the Government's package of reforms to the process for recording public rights of way, due to be implemented later this year, will make this process more streamlined and less costly for all parties.

Maintenance and drainage of course is also important and local highway authorities need to keep up to date with their programme of repairs, so that the off-road network continues to provide a source of income to local businesses.

More detailed information on all these subjects is available in the Defra publications 'Making the Best of Byways' and 'Regulating the use of Motor Vehicles on public rights of way and off road'.

During the passage of the Deregulation Act through Parliament in early 2015, the Coalition Government committed to Defra and Natural England together establishing a Motor Vehicle Working Group made up of stakeholder experts to look at the issues of motor vehicular use of unsealed routes and make recommendations in a report. However, I believe that locally brokered solutions, bespoke to the local area are far more effective in the long-term.

I am keen that you share your considerable knowledge and expertise with each other and with local highway authorities so that you can learn from each other and build on existing best practice. I therefore propose to set up a one-off forum for all motor vehicle stakeholders to share their experiences and discuss ways of working together in the future. Perhaps stakeholders would consider setting up a more permanent forum themselves depending on the success of the one-off forum.

Please let my official Jonathan Tweney (jonathan.tweney@defra.gsi.gov.uk) know if you would like to participate in such a one-off forum and any ideas you might have for the format of the day's discussion. If there is sufficient interest my officials will work with Natural England to set it up.



RORY STEWART