

## National Landscapes consultation: Cycling UK response (summary version)

February 2022

This response includes the consultation questions which are most relevant for cycling and public access to the countryside.

### A stronger mission for connecting people and places

#### 10. Should AONBs have a second purpose relating to connecting people and places, equivalent to that of National Parks? YES/NO/UNSURE

- **Yes.**

We believe that the extension of the second statutory purpose (To promote opportunities for the public understanding and enjoyment of the special qualities) to AONBs is one of the most exciting of the government's proposals and we fully support it.

- **However we think the government can, and should, go further.**

We think that the current duty on relevant authorities to 'have regard' to the statutory purposes **should be strengthened** to ensure that 'great weight' is attached to them within the decision-making process, as per question 22.

#### 11. Should a strengthened second purpose of protected landscapes follow the proposals set out in Chapter 3 to improve connections to all parts of society with our protected landscapes? YES/NO/UNSURE

- **Specifying 'open-air recreation'**

We also believe that the second statutory purpose (To promote opportunities for the public understanding and enjoyment of the special qualities) should be **reworded to specifically mention the importance of National Parks and AONB for 'open-air recreation'**, alongside as the wider concept of 'enjoyment' as currently used.

#### 12. Are there any other priorities that should be reflected in a strengthened second purpose?

- **We would also like to see more targeted expansion of country parks provision both in national landscapes and the urban fringe.**

The greatest impacts (and opportunities) often lie on more urban fringe visitor sites in AONBs.

- **We call for an expansion of open-access rights for a wider variety of outdoor activities, as per recommendation 16 in the Glover review.**

The government has commented in its response that they intend to look at this proposal after a review of open access mapping (which has already been pushed from 2019/20 back to 2023/24). We don't think that this delay is reasonable or fair.

- Existing powers for the relaxation of restrictions on CROW access land under section 7 of Schedule 2 Countryside and Rights of Way Act 2000 should be expanded to:
  - enable National Park Authorities to make directions permitting cycling, horse riding and other non-motorised recreational activities on access land (without the requirement for landowner agreement) within their individual areas;
  - expand open-access right to woodland within their area.

## Managing visitor pressures

13. Do you support any of the following options to grant National Park Authorities and the Broads Authority greater enforcement powers to manage visitor pressures? Tick all that apply.

- Issue Fixed Penalty Notices for byelaw infringements

- We have concerns about this with current byelaws.

Byelaws must be **fair, reasonable and proportionate** to evidence-based harms identified.

We have seen numerous examples of byelaws that conflict with the second statutory purpose, and with no clear evidence of irreconcilable conflict with the first purpose of nature conservation. In some cases byelaws are used to apply blanket restrictions on legitimate recreational activities that should be encouraged in National Parks.

- Any revamp of bylaw powers in order to permit fixed penalties should require the drafting of new byelaws, with a proper consultation exercise, and the inclusion of strict safeguards that ensure that the dual priorities and the Sandford principle<sup>1</sup> are fully considered.
- Interventions must be evidence-led.

Where byelaws restrict recreational activities, the National Park or AONB authority must be able to show clear evidence of irreconcilable conflict to justify them.

- Make Public Space Protection Orders (PSPOs)

- This seems an either/or option, as it would negate the need for fixed penalties for byelaw infringements.

The same concerns and principles apply for PSPOs as we have outlined for byelaws above. Any PSPOs must be **fair, reasonable, proportionate, and based on evidence of actual harm**.

- We think that in order to be fair, any penalties should work both ways.

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<sup>1</sup> The dual purposes of a National Park Authority are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the national park
- To promote opportunities for the understanding and enjoyment of the special qualities of the national park by the public

The Sandford principle states that “Where irreconcilable conflicts exist between conservation and public enjoyment in National Parks, then conservation interest should take priority.”

For example, to allow National Park Authorities to issue fixed penalty notices to landowners for unlawfully blocking footpaths, for unauthorised obstructions like locked gates or stiles, or for installing illegal signs with the effect of deterring public use.

- **Issue Traffic Regulation Orders (TROs) to control the amount and type of traffic on roads**

- **We support this proposal and think it offers real opportunity for change.**

At the moment, National Park Authorities frequently need to liaise with multiple (as many as nine) different highway authorities on both highway and rights of way issues. Giving NPAs traffic regulation powers would enable a more coordinated and ambitious approach to managing visitor traffic in National Parks.

- **We call for a reduction in the default speed limit on rural roads within National Parks from 60mph to 40mph.**

Major transport arteries, including A-roads and significant B-roads, may be appropriate for the current national limits. However, on **minor B-roads and C-roads, and certainly on singletrack country lanes within National Parks, speed limits could be reduced** to make them safer for all users and residents.

- **There is potential to trial the development of rural low-traffic networks.**

Reduced speed limits and filtered permeability would reduce the impact of tourist traffic on local communities and make roads safer for recreational users.

**14. Should we give National Park Authorities and the Broads Authority and local highway authorities additional powers to restrict recreational motor vehicle use on unsealed routes? YES/NO/UNSURE**

- **No. Authorities already have powers to do this, but they aren't currently using them.**

We are not convinced that new powers are needed here, rather a **more consistent approach (including statutory guidelines)** regarding their use.

**15. For which reasons should National Park Authorities, the Broads Authority and local authorities exercise this power?**

- **Environmental protection**
- **Prevention of damage**
- **Nuisance**
- **Amenity**
- **Other [PLEASE STATE]**

- **All are appropriate reasons, provided they are based on evidence of actual impact.**

**16. Should we legislate to restrict the use of motor vehicles on unsealed unclassified roads for recreational use, subject to appropriate exemptions?**

**Yes – everywhere/ Yes – in National Parks and Areas of Outstanding Natural Beauty only/Yes – in National Parks only/No/Unsure**

- **Yes – in National Parks and AONBs. We would also add National Trails to this.**

As a matter of principle and policy, Cycling UK would oppose blanket restrictions on any particular user group without a very clear evidential basis and proof of irreconcilable conflict, in accordance with the Sandford Principle.

However we regrettably conclude that the impact of motorised off-road use in some sensitive areas must result in area-based restrictions on mechanically-propelled vehicle use, either permanent or seasonal, since partial restrictions on selected routes only result in the concentration of use, and impact, onto other nearby routes.

- **As part of this we would encourage the government to bring the recording and management of all unsealed unclassified roads within the definitive map.**

This would be either as Restricted Byway or Byway Open to All Traffic, dependent on appropriate factors such as evidence of use and suitability for use, along with impact on other user groups and protected features. We believe that National Parks Authorities need to be highway authority for all public paths in their area to ensure a consistent approach.

#### **17. What exemptions do you think would be required to protect the rights and enjoyment of other users e.g., residents, businesses etc? OPEN**

- **We believe the thrust of this question is already covered by the exemptions developed for restricted byways in the Natural Environment and Rural Communities Act 2006.**
- **However, we think that greater protection is needed from damage to Rights of Way by permitted agricultural or forestry users.**

Where damage has been caused by private use, eg farm work or timber extraction, there should be a legal duty to make good such repairs to acceptable standard within 14 days of completion of works (as per ploughing under 1990 act).

#### **A clearer role for public bodies**

#### **22. Should statutory duties be strengthened so that they are given greater weight when exercising public functions? YES/NO/UNSURE**

- **Yes.**

We think that the current duty on relevant authorities to 'have regard' to the statutory purposes **should be strengthened** to ensure that 'great weight' is attached to them within the decision-making process.

Any decision-making process that is relevant to a National Park or AONB should have a clear statement attached confirming, and explaining, how NP/AONB purposes had been considered during the process.