

NMC response to Consultation on the Government Response to the Landscapes Review

The National Motorcyclists Council (NMC) welcomes the opportunity to respond to the DEFRA consultation; *Landscapes review (National Parks and AONBs): implementing the review*.

The NMC draws together the UK's motorcyclists' representative national organisations, which covers a wide spectrum of motorcycle use from road riding, green road riding, heritage motorcycling, motorcycle sport, motorcycle safety, the motorcycle trade and the insurance service sector. The collective membership of these organisations and their numerous affiliates, approaches 100,000 individual motorcyclists. The NMC's mission is to work together to help assure a positive and sustainable future for motorcycling.

In the matter of this consultation, the NMC supports the submissions made by its individual members and also the submissions of the Land Access and Recreation Association (LARA) and its members.

The NMC limits its comments to address questions 14 to 17 of the online consultation questionnaire.

General Comments.

The consultation has been issued subsequent to the publication of the 'Landscapes Review' into National Parks and Areas of Outstanding Natural Beauty. Although the Landscapes Review does not mention motor vehicle use, the Government's response to the Review has a section on the impact of recreational motoring on green roads. The consultation includes questions on whether the Government should legislate to restrict recreational motor vehicles on unsealed and unclassified roads around the country. One suggestion is to widen this to include all types of minor road.

The NMC opposes further restrictions on green roads access by motorcycles in National Parks, AONBs and other areas of the country. The NMC is also highly concerned that it is suggested such restrictions could be extended to tarmac sealed roads on a nationwide basis.

The Glover Review report says that: "our national landscapes should be alive for people, places where everyone is actively welcomed in" and that: "as even rural roads become busier and more dangerous, it is all the more important that fair access is given to all.". The NMC contends that 'all' does not mean 'only' non motorised users.

The NMC calls for the Motoring Stakeholder Working Group (MSWG) to be reconvened as a forum to consider these matters further.

Landscapes for everyone

The Landscape Review raises the issue of discrimination and bias in favour of certain user groups and further raises the issue increasing access for all rather than reducing it for some. Inclusive societies act without prejudice or discrimination working together where extremism is not

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tolerated. Discriminating against the majority of responsible users because of an irresponsible few is not a proportional approach to dealing with a minority issues. There is clear evidence that outright bans don't work on those who ride or drive illegally and anti-socially and the issue will continue and possibly get worse.

The road network inside and outside National Parks and Areas of Outstanding Natural Beauty must be for everyone to enjoy. Access must not be forbidden to any mode of transport without evidence that real and widespread damage, over and above that caused by agricultural vehicles, is being caused. Less than 2% of highways are green roads available for public motorcycle use, reducing this further will increase pressure on what remains

Contribution to local economies, communities and sport

Opponents of vehicles in the countryside cite damage caused by vehicles to unsurfaced routes, plus noise and anti-social behaviour. But instead of being a nuisance, green roads motoring and motorcycling brings benefits to rural areas, including positive economic impact to local communities. Rural economies face significant challenges - especially after the pandemic - and motorised vehicle users enjoying the countryside make a significant contribution to these businesses. The Trail Riders Fellowship estimates this at over £100million per annum for motorcycling alone [1]. Green road users support local and rural economies by spending on campsites, B&Bs, pubs, cafes, hotels, local shops and local filling stations. A large number of specialised businesses are also supported by this activity.

Motorised vehicle groups also undertake hundreds of different kinds of initiatives to support local communities each year including raising hundreds of thousands of pounds for good causes and charities.

A small but important number of motorsport events also rely upon unsurfaced roads and have done so since the dawn of motoring. Indeed, the most significant of these events, Classic Trails where cars and motorcycles compete together, are recognised for their historical importance in the Motor Vehicles (Competition and Trials) Regulations 1969. The Edinburgh, Land's End, and Exeter Trials have been held annually since 1904, 1908, and 1910 respectively. Unsurfaced roads also afford opportunities to the many smaller club Navigation Rallies that take place throughout each season and are a valuable resource for the educational skill of map reading.

A Government survey found the majority of traffic using green roads is for land management and agriculture. Given that land management and agricultural use is the majority of traffic on these road, bans aimed at vehicles used for tourism and leisure would do little or nothing to decrease damage on green roads.

Supporting rural conservation.

Each year hundreds of local conservation projects are undertaken by green road motoring organisations, including those inside National parks and AONB, to the value of hundreds of thousands of pounds supporting underfunded and under resourced authorities. These repairs are largely required due to poor maintenance and water erosion, not damage from vehicles. They also

undertake clearance projects and provide help with waymarking. Excluding motorised users would mean this valuable and essential work would cease.

In summary, members of vehicle organisations:-

- help keep green roads open and in good condition by maintaining them with a volunteer workforce;
- contribute volunteers and other resources to help authorities preserve and maintain green lanes;
- help the Police with enforcement against illegal and irresponsible use.;
- help waymark the network (sometimes for all users) and educate the public about where they can reasonably go and what they can lawfully do

Ancient highways represent a valuable source of biodiversity if maintained in good condition as originally intended, providing habitats for rare and unusual plants and also offering wildlife corridors. Vehicular access helps to maintain these highways in the manner and the width which they were intended and designed. Removal of vehicular access risks such routes 'growing-in', reducing biodiversity as such routes get clogged with invasive plant types, or eventually disappearing.

There are also examples of routes (some off the Ridgeway), where other users, such as walkers and horse riders have been denied access, because without motor vehicle use and the associated volunteer activity, they have become impassable by becoming overgrown.

Health, Wellbeing & Safety

For those that choose to motorcycle in particular on green roads it offers significant physical and mental health benefits [2]. For some it is the only realistic option for them to explore the countryside. Withdrawing access would do long term damage to a vulnerable group of society.

Motorcyclists are the second most vulnerable user group on tarmac roads. Green roads and rural tarmac roads provide much safer low-traffic, low speed environment, with a far lower risk of road traffic accidents.

Nature & the environment

Concerns about damage can be overstated and can be resolved by proper management of green roads.

The claimed issue of physical pollution is vastly exaggerated, with pollution from industry and agriculture posing a far greater threat to the countryside than motorised vehicles. The countryside is not as quiet as some would have us believe, with farm and forestry equipment often generating far more noise than motorcycling.

On a minority of green roads where damage is present this can be largely attributed to poor maintenance and water erosion, and where motor vehicles do impact, this is far more likely to be as a result of agricultural vehicles who represent over 60% of the traffic on green roads with only 22% being recreational vehicles.

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Using existing legislation to deal with a minority of issues

The call for new legislation to deal with the minority of issues relating to recreational motoring on green roads is unnecessary – it already exists. Park and Local Authorities already have the power to manage the network using Traffic Regulation Orders (TROs). Police already have powers to prosecute in various areas. We don't need more legislation, leading to a greater burden on already under-financed and under-resourced authorities - we need what already exists consistently applied and enforced.

The 2018 Select Committee review of the Natural Environment and Rural Communities (NERC) Act 2006 found that if the mechanism for making traffic regulation orders (TROs) was improved, that would go a long way to eradicating problems with motor vehicle use, where such problems exist.

Experience shows that simply prohibiting vehicular access does not work because those who do damage green roads by acting illegally and irresponsibly will not be deterred. A blanket removal of rights would cause access problems for many land and property owners, damage tourism and deter other outdoor recreational activities. Additionally, driving on green lanes is one way that people with mobility problems can access the countryside, meaning that road bans on both green and sealed roads would be highly discriminatory

Government and countryside studies that have relied on facts, rather than contention, along with several court cases consistently find that recreational vehicle use poses no significant threat to the countryside in most cases.

We are aware that some groups have taken this consultation to attempt to create a case which is not representative of true nature of the issues around recreational vehicle access to unsealed roads and minor tarmac roads. They raise issues which can be resolved through better management and working between authorities and user groups.

Successfully and sustainably managing the countryside raises a diverse and complex range of issues that will require a variety of Government departments to work together. The NMC recognises that there are issues that need to be addressed and are ready to work with the government to deliver sustainable and inclusive solutions that deliver the true vision of Landscapes for Everyone.

In terms of a way forward, the NMC refers to the work of the Motoring Stakeholder Working Group and the evidence considered on that body when it met previously. We feel that reconvening the MSWG would act as a starting place to consider the issues raised in the consultation.

The Consultation Questions.

[Question 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?](#)

Response: **No** - The powers needed to effectively manage recreational motor vehicle use on unsealed routes already exist. National Park Authorities already have the power to make Traffic

Regulation Orders (TROs) on unsealed routes within National Parks, provided by section 22BB of the Road Traffic Regulation Act 1984.

Existing legislation enables TROs to be applied flexibly. They can restrict or prohibit vehicular traffic where this is necessary. TROs can be made to prohibit certain types of vehicles, or by their specification. TROs can be made to operate at certain times of day, or on certain days or at certain times of year. By use of a protocol agreed with local user groups, TROs can even be applied on an 'as and when necessary' basis, or enable access only by permit. The NMC supports the use of TROs to manage motor vehicle use and does not in principle oppose rational and proportionate TRO proposals.

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

Response: **The powers already exist for NPAs and local authorities to make TROs** for all the reasons set out in the list which accompanied this question. They are in sections 1 and 22 of the Road Traffic Regulation Act 1984. TROs can also be made for preserving the character of the road where it is especially suitable for use on horseback or on foot, for preserving or improving local air quality and for conserving or enhancing the natural beauty of the area. There is no need for other reasons to be added.

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

Response: **No** - there is no need the legislate to restrict the use of motor vehicles on unsealed unclassified roads for recreational use, since all the powers needed to effectively manage recreational motor vehicle use on unsealed routes already exist.

The question suggests that a proposal for a blanket prohibition of the use of motor vehicles on unsealed unclassified roads for recreational use may be considered. The NMC strongly opposes this for the reasons set out above and summarised below as follows:

- **Mobility, health, wellbeing.** Recreational motoring helps people to enjoy the health and wellbeing benefits of being in the countryside and accessing the natural environment. Driving on green lanes is one way that people with mobility problems can access the health and well-being benefits of visiting the countryside. Motorcycling can also provide physical health benefits. A study commissioned by the Trail Riders Fellowship found that 70% of all green road rides met the government recommended guidelines for moderate exercise, with many rides coming into the 'vigorous' category for exercise.
- **Reduced opportunities for sport.** The reduction of public access to public roads would only result in reduced opportunities for sport.
- **Support for rural conservation from motorised groups would cease**
- **Discrimination.** A blanket removal of public rights for motor vehicles would be at odds with Government policy on diversity and equality and unfair to the minority user group who use unsurfaced roads in a vehicle, but it would impact most on those who cannot hope to access more than a fraction of the footpath, cycle path, or bridleway networks because of disability.

- **Fairness and equality of treatment.** Walkers have access to all green roads, but it is suggested that access could be denied to a minority who can only use less than 3% of that network. Wholesale prevention of motor vehicular access to unsurfaced roads would be a discriminatory solution that would impose the personal views and preferences of one faction on another.
- **Proportionality.** A blanket ban on motor vehicle use would curtail the rights of all motorists because of the poor behaviour of a minority of users. Applying the same principle to visitors to the countryside on foot during May/June 2020 when lockdown was lifted (fly camping, lighting fires, trespassing, damaging property, littering, drug dealing), would entail the wholesale closure of footpaths.
- **Rationality.** A blanket ban would be irrational. Sealed highways are used to facilitate road traffic offences, civil and criminal offences and even organised crime. The closure of such roads because of a minority of people use them for such illegality would simply not be contemplated - despite these offences being as serious, if not more so, than those committed on unsurfaced roads.
- **A blanket ban would not work.** Practical experience shows that a total prohibition of access is unlikely to have much, if any, deterrent effect on people who use motor vehicles illegally or irresponsibly. In many cases illegal and irresponsible use increases in the absence of responsible users.
- **Lack of evidence to support a blanket ban.** Examples of particular problems in certain locations has been put forward, but no consistent evidence. A blanket ban cannot be justified without a credible evidence base. An independent survey commissioned by DEFRA immediately before the 2006 NERC Act (the Faber Maunsell Report) showed that for the vast majority of BOATs there are no significant problems but there are a few hotspots where there are issues that need to be tackled. More recent surveys indicate this situation has not changed.

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

Response: Many people buying properties rely on the fact that a public carriageway is maintainable at public expense to confirm that they have a public right of access by vehicles to their property. Removing these rights would impose uncertainty and possibly additional expense on very significant number of unwitting property owners in relation to accessing their property. The potential impact on house prices and the property market is clear.

NMC April 2022.

[1] https://assets.website-files.com/60364ce44148d168e4193d50/61f93eea3e141a9f443f0a69_TRF%20Economic%20Value%20of%20Trail%20Riding%202017.pdf

[2] https://assets.website-files.com/60364ce44148d168e4193d50/61f93f4cfd6d8784b533c0d6_Health-Benefits-Documents-FINAL-01.pdf

About the National Motorcyclists Council

The National Motorcyclists Council (NMC) is a coalition of motorcycling representative organisations, which works together on commonly held positions about issues where motorcyclists seek to change or influence government policy. It also researches issues to both inform campaigning and support the individual work of its members.

The NMC's mission:

'Working together to help assure a positive and sustainable future for motorcycling'

The NMC brings together a broad spectrum of representative national motorcyclists organisations. These range from riders campaign groups, to motorcycle sport representatives, off road and green roads interests, motorcycle dealerships and road safety experts.

National Motorcyclists Council members are: The Auto Cycle Union, the British Motorcyclists Federation, IAM RoadSmart, the National Motorcycle Dealers Association, Plantec Assist, the Trail Riders Fellowship and the Vintage Motor Cycle Club



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