

National Landscapes consultation: Cycling UK response

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**.

The physical and mental health benefits of participation in sport, recreation and physical activity are well established, with research from Sheffield Hallam indicating that community sport and physical activity delivers £85bn of social and economic value per year. National Parks and AONBs provide a unique opportunity for people to be physically active and enjoy these wide-ranging health and social benefits. The report 'Getting Active Outdoors' published by the Outdoor Industries Association and Sport England specifically highlights off-road cycling as being important for getting people active outdoors, particularly for younger people and other groups traditionally underrepresented in outdoor activities.

AONBs play a key role in the provision of outdoor recreation as, due to their greater number and location, they are often closer to the more urban areas where 90% of our population live and work. Surrey Hills AONB for example attracts over 30 million visitor days annually – more than several National Parks put together – and includes two of the most popular recorded cycling destinations in the world (according to Strava data), but receives only a fraction of the funding that National Parks do.

- **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. Inherent in this, we believe that 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.

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

- **Yes.**

Introducing the National Parks and Access to the Countryside Bill to Parliament in 1949, the Minister for Town and Country Planning, Mr Lewis Silkin, commented that:

“It is perhaps a reason for our country's greatness that in a difficult period like the present we are not afraid to set aside time and energy for the practical measures needed to help people to enjoy these beautiful areas. No one will wish to disagree with the wisdom of doing so, because the enjoyment of our leisure in the open air and the ability to leave our towns and walk on the moors and in the dales without fear of interruption are, with all respect to my right hon. Friends the Ministers of Health and of National Insurance, just as much a part of positive health and wellbeing as are the building of hospitals or insurance against sickness. I am particularly proud to introduce this Bill because it represents something which men and women have wanted for a long time and have struggled for, often with little hope of success.

“Now at last we shall be able to see that the mountains of Snowdonia, the Lakes, and the waters of the Broads, the moors and dales of the Peak, the South Downs and the tors of the West Country belong to the people as a right and not as a concession. This is not just a Bill. It is a people's charter—a people's charter for the open air, for the hikers and the ramblers, for everyone who loves to get out into the open air and enjoy the countryside. Without it they are fettered, deprived of their powers of access and facilities needed to make holidays enjoyable. With it the countryside is theirs to preserve, to cherish, to enjoy and to make their own.”

It is beyond doubt that the (remarkably radical) intention of the government of the day - with cross party support - was to ensure that access to the countryside was an inherent part of what they were doing, and we believe that it is remarkable to read these words on **countryside access being as important as the NHS and social insurance for the health and wellbeing of our communities**. It appears to have taken seventy years and a pandemic to remind us what we already knew.

- **Specifying ‘open-air recreation’**

Crucially, we 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. Doing this would help to restate the original principles of National Parks as envisaged in the Hobhouse Report that led to the 1949 Act:

“204. There is perhaps a tendency to regard rambling as the only important recreation in National Parks. Yet there must be many who most enjoy wild country when its beauty forms the setting for other forms of sport and recreation—many whose cherished memories of Exmoor, the Lake District or the Broads are associated with the feel of a keen horse or a well balanced trout-rod or the kick of a racing tiller; and there must be a still larger number in whom a fuller appreciation of the country would be awakened by the opportunity to enjoy these pursuits.”

“207. ...we foresee great scope for the promotion and improvement of sport and recreation in National Parks; for country pursuits will make an important contribution to the nation's welfare in providing mental and physical adventure and in promoting a better understanding between town and country by giving the townsman a deeper comprehension of the significance of nature, an appreciation of country lore and an insight into the essential processes of primary production in which the countryman is engaged.”

And in the notes on the clauses Bill as amended 4th October 1949, specific clarification was made that:

“The term “open air recreation” has been chosen instead of the 1939 Act’s “air and pedestrian exercise” since the latter phrase is both ungrammatical and too narrow.”

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.**

This would fit with proposals previously published by Natural England for a ‘renaissance of country parks’. Inherent in this is our concern that the provision of rangering services and funding for rights of way and access improvements will continue to focus on National Parks when 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.

Having taken the decision to look at broadening access rights they should now **develop a clear path for change**: for example, identifying what additional data they might want to collect in the mapping review, and instigating pilot schemes in National Parks to explore different models and types of access.

- **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.**

Both of these proposals would offer National Park Authorities greater ability to manage access opportunities within their area according to local conditions, without the need for primary legislation.

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 as required by the Sandford principle**. In some cases byelaws are used to apply disproportionate blanket restrictions on legitimate recreational activities that should be encouraged in National Parks, because of localised problems or in response to a vocal minority.

Of course, we would not dismiss that byelaws are sometimes appropriate, where applied to tackle genuine problem behaviours that cause real harm, such as lighting fires and damaging walls and fences. However we have seen byelaws that rather than being about prevention of harm seem to be more akin to an excessive level of control: for example byelaws that criminalise largely benign activities such as cycling on well surfaced forest roads, sponsored walks, kite flying, and even singing. Clearly these restrictions go far beyond any possible justification for the prevention of serious harm and we believe they run contrary to National Park purposes.

- **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 Sandford principle 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 and not unnecessarily restrict recreational activities, particularly on a subjective basis or based on a small number of vocal campaigners.

- **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, as we have witnessed inappropriate use of PSPO powers to prohibit cycling in a number of cases in the past.

- **Any PSPOs must be fair, reasonable, proportionate, and based on evidence of actual harm.**
- **We also think that in order to be fair, any penalties should work both ways.**

At the moment all appear to focus entirely on public behaviour. A less one-sided system might, for example, 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. This would tackle unlawful behaviours which impact upon public enjoyment of national landscapes.

- **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, which is impractical. We have also witnessed reluctance from county councils to take the sort of proactive approach to speed limits and road traffic management that are needed in order to engender long-lasting and significant change in the way people travel both to and around National Parks. **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.**

It seems ridiculous that the speed limit on a narrow country lane within a National Park is higher than the speed limit on many stretches of motorway and A-road. This cannot be right and needs urgent change.

DfT circular 01/2013 on setting speed limits commented that:

"Rural roads account for 66% of all road deaths, and 82% of car occupant deaths in particular, but only around 42% of the distance travelled. Of all road deaths in Britain in 2011, 51% occurred on National Speed Limit rural single carriageway roads (DfT, 2011). The reduction in road casualties and especially deaths on rural roads is one of the key road safety challenges"

Yet stopped short of calling for the default speed limit for rural roads to be reduced from 60mph. It instead commented that a 40mph limit:

may be considered for roads with a predominantly local, access or recreational function, for example in national parks or areas of outstanding natural beauty (AONB), or across, or adjacent to, unenclosed common land; or if they form part of a recommended route for vulnerable road users. It may also be appropriate if there is a particular collision problem."

However, so far, no local authorities have truly embraced this in order to impose widespread speed reductions on minor single-carriageway or singletrack roads - the very roads which are most heavily used for recreational activities like walking, cycling and horse riding, and link together our currently disjointed rights of way system. Therefore we believe that it is now vital for a reduction in the default speed limit on rural roads.

We are not suggesting that lower speed limits should apply to all rural roads. Major transport arteries including A-roads and significant B-roads may be appropriate for the current national limits (though this should clearly give an idea as to where the provision of safe segregated infrastructure should be a priority). However, on **minor B-roads and C-roads, and certainly on singletrack country lanes within National Parks**, speed limits should be reduced to make them safer for all users and residents.

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

Similarly, we believe there is a huge opportunity to develop a rural version of the sort of low traffic networks that have been successfully developed in urban areas - where the use of **reduced speed limits and filtered permeability** has been used to transform local areas in order to promote walking and cycling activity. Previous work on 'quiet lanes' networks has been shown to be beneficial, but has limited impact on issues like rat running and does not automatically include speed limit reduction; we believe a more integrated package of measures is needed to reduce traffic, and speeds, on these areas. Rural low-traffic networks would **reduce the impact of tourist traffic on local communities** and allow minor roads and recreational hotspots to be protected from the most invasive effects of car use.

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.**

Further work is needed to understand the reluctance to utilise these powers. 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.**

The Stubbs vs Lake District National Park Authority case in 2020 was a good example of a robust decision-making process by the National Park Authority on whether to impose a TRO on two sections of unsealed road, by thoroughly assessing all of the above factors.

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.

We believe that **extending this to National Trails** would begin to, finally, fulfil the original intent of the 1949 Act. The Hobhouse report commented directly that:

“300. We also attach importance to -the provision of long-distance bridleways in and between National Parks and Conservation Areas. There should be continuous routes which will enable walkers and riders to travel the length and breadth of the Parks, moving as little as possible on the motor roads.”

While the earlier Dower report of 1945 commented that:

“32. There remains the further large class of subsidiary and more or less motorable highways, varying from the less good secondary roads (well-surfaced and of some traffic value, but with narrow, steep or twisting passages) to the rough mountain and moorland cart-tracks, increasingly used before the war by sporting youth as tests for their cars and motor-cycles. The determination and application of a sound national policy for the immense mileage of such roads and tracks, which we have inherited from the pack-horse, cart and carriage ages, is an urgent post-war need, not merely in National Park

areas but throughout the country. Increasing frustration and complaints – by motorists that the roads were open to them but not fit for safe and comfortable use; by farmers, riders, cyclists and walkers that growing use by motorists was destroying the safety, comfort and pleasure of their use marked the lack of any consistent policy before the war. It is widely (and I believe rightly) held that the only sound policy-basis is segregation and selective restriction of traffic, with graduated improvement of those routes which are left open to most classes of motor traffic, and with no improvement and minimum maintenance of those routes which are reserved for walkers, cyclists and horse-drawn traffic, and closed to all motor vehicles except for the specific service of neighbouring farms.”

- **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 Park Authorities need to be the 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, such as 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.

Inherent in this, we believe that 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.