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# Illegal use of public rights of way and green spaces with public access by mechanically propelled vehicles

Final report

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# Executive summary

## **Illegal use of public rights of way and green spaces with public access by mechanically propelled vehicles**

### **Final report of a research project undertaken on behalf of the Department for Environment, Food and Rural Affairs and the Countryside Council for Wales**

#### **Outline of the research**

The research was commissioned by the Department for Environment, Food and Rural Affairs (Defra) and the Countryside Council for Wales (CCW) to investigate the illegal use of public rights of way (PRoWs) by mechanically-propelled vehicles (MPVs). Faber Maunsell Limited was contracted to undertake the research. The research sought:

- to establish the current levels of participation in illegal MPV activities;
- to establish the effectiveness of current measures for curtailing illegal use;
- to identify if there are any particular characteristics of PRoWs, which are used illegally;
- to determine whether the illegal use is more prevalent in certain areas or related to certain local conditions;
- to provide information about the numbers and characteristics of the people who use PRoWs illegally and the types of vehicles they are using;
- to establish the availability of off-road facilities (including illegal sites), and whether they are provided by the public or the private sector;
- to identify the extent to which off-road facilities would reduce illegal use of PRoWs; and
- to identify any other issues and any other material which may be relevant to the research.

In general the approach taken in this research was to focus on PRoWs but to recognise that the illegal use of MPVs will not be confined to such ways and may also be present on:

- Other routes with public access which are not legally PRoWs; and
- Green areas open to public access which may be in the countryside and in towns and cities.

#### **Research approach**

The research included:

- defining what is meant by the illegal use of MPVs;
- a literature review and desk study;
- a national field survey of a sample of PRoWs in England and Wales;
- questionnaire survey of all Local Highway Authorities (LHAs) and National Park Authorities (NPAs) in England and Wales;
- case studies of three areas in Wales and 10 in England;
- review of participation in the illegal off-road use of PRoWs and green spaces with public access by MPVs;
- best practice in dealing with illegal off-road MPV use of PRoWs and in green spaces with public access; and
- the overall conclusions and recommendations of the research.

#### **Defining illegal use of MPVs**

The illegal use of MPVs on PRoWs and green spaces with public access can be defined in terms of whether MPV users have a right to be there and whether the user is complying in all respects with other law.

## **Literature review and desk study**

This was undertaken primarily through internet search and found that:

- in many places there was widespread concern about illegal use of MPVs on both PRowS and in green spaces with public access;
- the most frequently reported type of illegal use of MPVs was recreational use by motorcyclists;
- the illegal use of MPVs was reported to involve danger to other people and adverse impacts on the environment;
- there was recognition of the limited availability of routes and facilities for legal off-road MPV use; and
- a range of enforcement and other measures were being used to deal with the issue.

## **The national field survey**

The national field survey was based on a relatively small sample but this was sufficient to draw the following broad conclusions for England and Wales as a whole:

- About half of the PRowS network was found to be not passable by any kind of MPV.
- Much of the use of PRowS by MPVs appeared likely to be legal and connected with land management or access to dwellings.
- Some evidence was found for illegal motor vehicle use, generally by motorcycles and quad bikes but with the possibility of some illegal use by 4x4 vehicles. It appeared that this affected only a small part of the PRowS network, almost certainly less than 5%, and that more serious problems are localised.

## **Questionnaire survey of Local Highway Authorities and National Park Authorities**

The principal objective of the LHA/NPA questionnaire surveys was to determine, in broad terms, the LHA/NPA perspective on the topic. Our key findings are:

- Most responding authorities are aware of some illegal use of MPVs within the area covered by their authority and many maintain records of complaints/incidents of the illegal use of MPVs.
- Hotspots are widely distributed across England and Wales. Some of the hotspots appear to be associated with upland (more than 150 metres above Ordnance Datum (AOD)), particularly upland where passage by MPV is relatively unhindered by topography, vegetation or enclosures, while others appear to be associated with urban areas.
- Of all MPV types, motorcycles are considered to be of the greatest concern to both LHAs and NPAs.
- There are clear concerns about:
  - disturbance to the amenity of legal users;
  - disturbance to wildlife and damage to habitats;
  - damage to PRowS;
  - disturbance to the amenity enjoyed by local residents, particularly from noise;
  - threats to the health and safety of legal users; and
  - damage to archaeological features.
- LHAs in both England and Wales and NPAs in Wales think that most illegal users of MPVs, probably 70 to 80%, are under the age of 30 years.
- NPAs in England think that illegal users of MPVs are close to evenly split between those over 30 years and those less than 30 years.
- None of the management measures available is regarded as a panacea for all ills. Generally physical exclusion measures and police enforcement are considered to be the most effective measures of management.

## **The case studies**

The case studies were more detailed studies of geographic areas within which there appeared to be recurring illegal use of MPVs on PRowS or in green areas with public access. The case



studies focused on collection of quantitative data on the extent of illegal MPV use in particular places, on the factors associated with that illegal use of MPVs, on the effects of that use and on the measures used to control or manage illegal use. The findings of the case studies have been included in our reviews and further conclusions.

## **Review of participation in the illegal off-road use of PRowS and green spaces with public access by MPVs**

### *The characterisation of illegal off-road MPV use*

Illegal use includes use where there are no rights of passage in MPV and breach of other laws notably those relating to driver licensing and vehicle registration, taxation and insurance. Illegal off-road MPV use can be characterised into the following types:

- **Neighbourhood off-road activity** - typically by young people on motorcycles, within and on the edge of residential areas and on any routes or land that are available including PRowS, cycle tracks, parks and nature reserves. This activity involves illegal use both in terms of the absence of rights of passage for MPV and breach of other laws, notably relating to driver licensing and vehicle registration, taxation and insurance.
- **Off-road activity for socialising** - in which people drive off-road to engage in a range of activities, some relatively innocuous, for example drinking parties, others involving crimes, for example, stolen vehicles. These activities can take place almost anywhere but are perhaps more frequent close to residential areas. In general, this activity involves illegal use in terms of the absence of rights of passage in a MPV. It may involve breaches of other law but our view is that it is mainly in cars which are registered, taxed and driven by someone with a driving license.
- **Off-road trail riding** - primarily on motorcycles with good off-road capability, in the countryside particularly, but not exclusively, on open moorland. This activity may involve illegal use in terms of the absence of rights of passage in a MPV. Where the land used is designated for conservation purposes, for example as a site of special scientific interest (SSSI), it may involve breach of the law which protect such sites. It may also involve breach of other law, notably relating to driver licensing and vehicle registration, taxation and insurance, although many riders will be on road legal motorcycles.
- **Practice for off-road events** - the use of off-road motorcycles on areas of land to practice for particular types of events, for example motocross. This activity may involve illegal use in terms of the absence of rights of passage in a MPV. It may also involve breach of other law notably relating to driver licensing and vehicle registration, taxation and insurance.
- **Fly tipping and vehicle dumping** - The use of all types of motor vehicles, except motorcycles and 'quads', to fly tip in the countryside and the dumping of end-of-life vehicles in the countryside. In general this activity involves illegal use in terms of the absence of rights of passage in a MPV. It may involve breaches of other law but we have found no evidence that it is not predominantly by MPVs which are registered, taxed and driven by someone with a driving license. The exception to this may be where it involves stolen or end-of-life vehicles.

Social off-road activity and fly tipping and vehicle dumping do not require the use of vehicles with off-road capability. The remaining activities depend on the availability of vehicles with significant off-road capability. The research considered the availability of such vehicles and drew the conclusions below on the vehicle stock. This was extended to consider the number of users of MPVs with off-road capability, which was viewed as an indicator of possible driver participation.

### *The MPV stock*

Our best estimates are that:

- There are some 120,000 registered motorcycles with a good off-road capability.
- There are perhaps a further 132,000 competition and other unregistered machines with off-road capability.

- There are some 400,000 mini bikes and mini-motos with generally limited off-road capability.
- There are some 155,000 all terrain vehicles (ATVs) of all types.
- No attempt has been made to estimate the number of 4x4 cars and light commercial vehicles with some off-road capability but it is likely to be large. While sales of such 4x4 vehicles are clearly higher than in the past, this should not be taken as an indication that the owners of these vehicles have any interest in off-road use.

#### *MPV users – motorcyclists*

The number of MPV users who are motorcyclists must be an influence on the illegal use of public rights of way and green spaces with public access by mechanically propelled vehicles. However, caution needs to be exercised in suggesting a relationship between these estimates and illegal MPV use involving motorcycles. A relatively small proportion of all motorcyclists will have an interest in riding off-road use and many of these will stay within the law. Our general findings on motorcyclists and their characteristics are that:

- The number of active motorcyclists is thought (Department for Transport 2005) to be about 1.5 million.
- MCI figures suggest that there are 40-60,000 motorcyclists who ride 'off-road'. Approximately 12,000 of these are recreational non-competitive riders, mainly trail riders, with the remainder in the competitive classes of enduro, trials and motocross.
- Motorcycling is dominated by male participants with 85% of motorcyclists being male and 15% being female.
- An estimated 12,000 young motorcyclists ride off-road capable machines.
- Young riders are disproportionately represented in convictions for driving without insurance.
- Up to 20% of motorcycles are thought to be used without vehicle excise duty paid.
- Motorcycling peaks in the summer months and falls off during the winter.
- Off-road motorcycling peaks at weekends, particularly on Sundays.

There appears to be a significant mismatch between the MCI estimates of the number of participants, 40,000 to 60,000, and the number of motorcycles with good off-road capability, 240,000, suggesting that there may be a significant number of off-road motorcyclists not recorded by the MCI. These may be unrecorded as they are not members of any organisation and do not participate at a formal level. These unaffiliated motorcyclists are perhaps more likely to participate in illegal use of MPVs than those who are members of a motorcycling organisation.

#### *Off-road MPV users – 4x4 vehicles of all types including ATVs*

It has not proved practicable to make any realistic estimate of the number of users of other 4x4 vehicles who engage in off-road activity whether legal or illegal.

#### *Views of off-road MPV users*

It was not considered practicable to obtain the views of illegal off-road users of MPVs specifically. However the views of a broad range of off-road users of MPVs were sought most of who are likely to remain within the law. The key points made were as follows:

- The lack of alternative venues for trail riding, practice for enduro events and practice for motocross is seen as a potential underlying cause of the illegal use of PRowS and green spaces with public access by MPVs.
- There are a number of factors that work against increased provision for off-road MPV use including the system of farm subsidy payments to farmers (*possibly now overcome by changes in Defra rules*); the reluctance of major landowners, such as the Forestry Commission, to allow practice on their land for competitive events; planning controls; and environmental health constraints (including noise).
- There is recognition that there is a particular problem with young people who want to engage in off-road motorcycling but lack the funding to do it and hence resort to low cost

motorcycles, second-hand or cheap Chinese imports, and the illegal use of PRowS and green spaces with public access close to their homes.

- Legitimate MPV users recognise the problems that arise when there is illegal use of MPVs on PRowS and green spaces with public access and support appropriate measures to contain this use.

### **Best practice for dealing with illegal off-road MPV use of PRowS and green spaces with public access**

During the research it was evident that, at the extremes, the issue of illegal MPV use could be addressed by:

- A “stick” approach which aimed to stamp out the illegal activity; or
- A “carrot” approach which aimed to divert illegal use to legal venues.

The available measures offer a mix of tools to achieve each of these. In broad terms, the available measures and their effectiveness can be summarised as follows:

- Strategic working, meaning the ability to involve all stakeholders, to address the issues as a whole and to use the full range of tools available to respond to the illegal use of MPVs.
- Engineered physical measures to prevent or discourage illegal motor vehicle use including barriers, gates, fencing and rocks to prevent passage and signs to discourage illegal MPV use. These can be effective in some situations but they have a number of downsides including obstruction to authorised users, adverse impacts on visual amenity, the ease with which they can be avoided (and, in some cases, vandalised) and their cost.
- Enforcement measures to discourage illegal motor vehicle use are an essential tool in dealing with illegal off-road MPV use. The available legislation is highly effective but the cost of enforcement involving the police is high. Partnership between stakeholders and the provision of high quality intelligence to the police are likely to enhance the effectiveness of enforcement. Active wardening with a regular presence on site, for example a park ranger, is a useful adjunct to enforcement.
- Education measures to encourage responsible behaviour by MPV users are useful, particularly when undertaken in conjunction with schools liaison. For neighbourhood off-road activity these two are important.
- Provision of facilities/opportunities for legal motor vehicle use is challenging and not without pitfalls in terms of finding, funding and operating a site.

### **The conclusions of the research**

The key conclusions of the research are:

- Illegal use includes passage by an MPV on a PRow or within a green area with public access where there is no right of passage for the public and where passage is not otherwise authorised. The use of a MPV on a PRow or within a green area with public access may also be illegal, even if there is a right of passage for the public, where other legislation, for example on driver licensing, vehicle insurance or environmental protection, is broken. Both forms of illegal use of MPVs have been identified in this research.
- On a significant proportion of the PRow network, probably half of the network in England and Wales, passage by any kind of MPV is not possible because of width, stiles, terrain or other reasons. For green space with public access, we believe that MPV use on a large proportion is not practicable because of the steepness of the land, the rugged nature of the terrain, vegetation, lack of adequate drainage or obstacles ranging from watercourses to fallen trees.
- Illegal use of MPVs where there is no right of passage, and where use is not otherwise authorised, is dispersed across both England and Wales. There are hotspots where activity is at a high level but there are also many places which do not appear to be affected. Between these extremes there are many PRowS and green areas where illegal MPV use is an occasional concern but not a serious problem.
- On the basis of the research we would conclude that on at least 50%, and probably 75%, of the PRow network, there is not a problem with illegal use of MPVs as a result of the absence of rights of passage. Based on the findings of this research we believe that in broad terms the proportion of the PRow network where there is a major concern is likely to be less than

5% of the PRoW network in England and Wales. The use of MPVs where there was no right of passage for MPVs was found in both upland and lowland areas, a key determinant being that passage by MPVs was reasonably unhindered, for example by vegetation, gradient, terrain, stiles, fences, hedges or surface water.

- The upland areas where passage by MPVs is relatively easy are characterised by plantation forestry with numerous forestry roads and moorland used as rough grazing. Where terrain is steeper, more rugged and/or poorly drained, the use of MPVs is less practical and illegal use of MPVs is less or not present.
- Lowland areas attractive to illegal use by MPVs are characterised by open access to the public and/or a low intensity of active land use. In some cases, land with open access or PRoWs are used to gain access to private derelict land. Where passage along a route is difficult because of terrain or obstruction, the illegal use of MPVs is less or not present.
- The illegal use of MPVs in terms of non-compliance with legislation relating to driver licensing, vehicle registration and taxation, vehicle insurance, vehicle roadworthiness and driver behaviour is widespread. Cases were recorded of MPVs being driven without registration plates, without due care and attention and/or by juveniles below the age at which a MPV can be driven.
- The case studies suggested that illegal off-road MPV users comprise the following types:
  - juvenile males out for vehicle recreation using small motorcycles without registration plates and typically riding solo or in small groups;
  - mature people, primarily male, who are well aware that they have no right to use a route, out for vehicle recreation, often in groups and predominantly on motorcycles but sometimes on quads;
  - mature people, primarily male, out for vehicle recreation, often in groups, who believe that they have a right to use a route, predominantly on full size off-road motorcycles but sometimes in 4x4 vehicles;
  - groups, typically of young people, who travel to out-of-the-way places for social reasons; and
  - people using public routes and public access areas to dump vehicles or fly tip.
- Illegal use of MPVs primarily involves motorcycles although some evidence was found for the illegal use of quads, 4x4 vehicles and other motor vehicles.
- For most of the logger sites used in the case studies, it is likely that all motorcycle use was illegal and in many cases all MPV use was likely to have been illegal. The number of MPVs counted was generally low, fewer than ten per day even at peak times. Even on sites where there was clear visual evidence of the passage of motorcycles, the average flow could be less than one vehicle per day but even these low flows appear to result in significant damage in sensitive environments.
- The effects of illegal MPV use were significant, particularly at a local level. They included
  - physical damage to PRoWs, routes or public access areas. In the extreme this could be very inconvenient for other users but in most cases the effects were less;
  - adverse effects on environmental resources, notably the landscape, wildlife habitats and sites of historic interest. In sensitive areas this is a major issue but the number of places where illegal MPV use affects sensitive areas appears relatively small;
  - nuisance to other recreational users, for example, noise, visual intrusion, loss of amenity and physical intimidation. Often this will be no more than a passing irritation but in the extreme can discourage all but the hardiest from using an area or route;
  - nuisance to landowners and occupiers, for example, of noise, damage to land and disturbance to livestock. This appears to be a particular concern near to housing;
  - nuisance to local residents, for example, noise and visual intrusion; and
  - safety concerns both for illegal users and for others because of the use of MPVs, particularly at higher speeds. In the extreme this has resulted in serious injury and even death and, while such instances appear infrequent, this is a major concern given that people expect to be safe on PRoWs and green areas open to public access.

- Control and management appeared most effective when all stakeholders were involved and a range of measures adopted.

### **Recommendations from the research**

The recommendations have been grouped under the following headings:

- Best practice measures;
- Reporting and recording illegal MPV activity;
- Recommendations for action by Defra and CCW;
- A recommended approach to dealing with a problem with illegal use of public rights of way and green spaces with public access by mechanically propelled vehicles.

#### *Best practice measures*

All of the best practice measures reviewed in the report have some benefit but none represents a panacea for resolving all of the issues related to the illegal use of MPVs on PRoWs or in green areas open to public access. In applying best practice, approaches that tailor a mix of measures appropriate to the local situation, are likely to be more successful than those with a single focus, for example, on engineered physical measures.

#### *Reporting and recording illegal MPV activity*

Consistent records of illegal MPV activity provide the basis for effective action by the authorities. It follows that better recording of incidents will facilitate more effective action. Improvements should be made to way in which incidents of illegal MPV activity are recorded.

#### *Recommendations for action by Defra and CCW*

Defra and CCW may be in a position to initiate wider Government actions that will assist in countering the adverse effects of the illegal use of public rights of way and green spaces with public access by mechanically propelled vehicles. Our recommendations are that:

- Defra and the Welsh Assembly Government have prepared “Regulating the use of motor vehicles on public rights of way and off road. – a guide for Local Authorities, Police and Community Safety Partnerships” (December 2005). Defra and CCW should consider whether further advice is required.
- Defra and CCW should work with Natural England to test through the courts what strength of evidence is needed to secure a conviction of an illegal MPV driver for damage to a SSSI under the Wildlife and Conservation Act 1981 (as amended) and publicise the results of any case.
- It is evident that one of the problems of dealing with illegal use of MPVs is the difficulty of identifying the perpetrators. For MPVs carrying genuine registration plates and recorded on the Driver and Vehicle Licensing Agency (DVLA) database, this is much easier. Consideration should be given to whether there should be some form of record or registration for MPVs which are not to be registered for on-road use. It is recommended that Defra and CCW should evaluate with Department for Transport (DfT), DVLA, the Home Office and any other relevant parties whether this is a workable and cost-effective proposition.
- It is recommended that Defra and CCW should explore, with DfT, the motorcycle industry and other relevant parties, ways in which the noise effects of motorcycles can be reduced, for example through changes to vehicle exhaust standards.

#### *A recommended approach to dealing with a problem with illegal use of public rights of way and green spaces with public access by mechanically propelled vehicles*

The research sets out an approach to dealing with a problem of illegal use of MPV based on the following key components:

- Do you have a problem and what is it? In many cases, the apparent ‘problem’ may be transient or not of a scale to warrant large commitment of resources.

- Is the use of MPV illegal and if so what is the nature of the illegality? There are two aspects of the illegality of MPV use, whether users have the right to be there and whether they are breaking any other law, for example in respect of driver and vehicle licensing.
- Who is participating in the illegal MPV use and what is the nature of their activities? Segmentation of the illegal users into categories will help authorities decide how to tackle the problem.
- Develop partnerships and strategy with all stakeholders. Armed with an understanding of who is responsible for the illegal MPV use and the nature of this illegal activity, partnerships can be formed with interested parties (for example, the police, local housing associations, environmental health officers, recreational users, community associations and schools) and strategies developed.
- Formulate tactics appropriate to the site or area situation. These should be a combination of different measures (education, enforcement, engineering and alternatives) appropriate to the local situation and should address the risk of displacement elsewhere.
- Implement the strategy over the long term. Gaining the commitment of adequate resources and ensuring that the strategy does not become a victim of its own success will be key to successful implementation.

# Glossary and list of acronyms used in the report and accompanying case studies

ACU	Auto-Cycle Union
AOD	Above Ordnance Datum
AEA	Agricultural Engineers' Association
AONB	Area of Outstanding Natural Beauty
ASBOs	Anti-Social Behaviour Orders
ATV	all terrain motor vehicle
BFBC	Bracknell Forest Borough Council
BOAT(s)	byway(s) open to all traffic
BMF	British Motorcycle Federation
CAS	Countryside Access Strategy
CCSP	Cardiff Community Safety Partnership
CCW	Countryside Council for Wales
CPS	Crown Prosecution Service
CROW Act	Countryside and Rights of Way Act 2001
DCC	Derbyshire County Council
Defra	Department for Environment, Food and Rural Affairs
DfT	Department for Transport
DMMO(s)	Definitive map modification order(s)
Driver	'Driver' refers to anyone operating a motor vehicle, including riders of motorcycles, quads and other ride-on vehicles. It also includes those in control of a motor vehicle for the purposes of winching or other external control.
Dual recorded routes	Some routes are recorded on the local highway authority's List of Streets as unclassified roads and also on the Definitive Map and Statement as footpaths or bridleways. In the absence of evidence to the contrary, our presumption will be that such dual recorded routes carry public vehicular rights.
DVLA	Driver and Vehicle Licensing Agency
GLEAM	Green Lane Environmental Action Movement
GMP	Greater Manchester Police
Green lanes	'Green lanes' is a term that we shall avoid using as it has no legal standing. However, where the term is presented to us, and there is no evidence to the contrary, our presumption is that these are un-sealed routes that carry public vehicular rights.

Green spaces with public access	<p>The public has a right of access or is permitted to use areas of land in the countryside and public space within urban green areas. These include:</p> <ul style="list-style-type: none"> <li>■ Areas of land to which there is a public right of access, notably access land created under various pieces of legislation such as Special Acts of Parliament (e.g. Dartmoor Commons Act 1985, Malvern Hills Act), the Law of Property Act 1925, access agreements made under the National Parks and Access to the Countryside Act 1949 and, more recently, the Countryside and Rights of Way Act 2000 (CROW Act);</li> <li>■ Land which is normally available for access on foot, notably that managed by the National Trust, Forestry Commission, Woodland Trust, country parks and public open spaces. This land may also be available for users with pedal cycles and on horseback;</li> <li>■ Foreshore (land between mean high and mean low water marks). In practical terms almost all beaches are open to the public although there is no general right of public access to the foreshore at present;</li> <li>■ In Greater London public green space in urban areas is interpreted as including any land open to the public designated as metropolitan open land; and</li> <li>■ In other urban areas larger public parks and other extensive areas of land open to the public.</li> </ul> <p>The term “green spaces with public access” has been used to cover all such land to which the public has a right of access or which the public are generally permitted to use, at least on foot and sometimes by other modes.</p>
HCS	Heathland Conservation Society
LAF	Local Access Forum
LARA	Motorists’ Land Access and Recreation Association
LDNPA	Lake District National Park Authority
LHA	Local Highway Authority
MBC	Metropolitan Borough Council
MCI	Motor Cycle Industry Association
Metalled/un-metalled	<p>Road metal is the stone used to construct the route. We make a distinction between metalled and sealed. A road that is metalled but not sealed will usually have a compacted stone/gravel surface.</p> <p>An un-metalled road will be a true ‘green lane’ with a natural surface. Generally this will be a grass, mud or dust surface, however, an un-metalled route may also run over bedrock sometimes giving conditions similar to an engineered surface.</p>
Mini-moto	Small low cost motorcycle or quad bike not designed for competition or road use, referred to as motorcycle for use on private property by MCI
MoD	Ministry of Defence
MOT	DfT motor vehicle test certificate
‘Motor vehicle’	<p>‘Motor vehicle’ (and MPV) is used as short-hand for ‘mechanically propelled vehicle’, as introduced into various Acts by section 67 and schedule 7 of the Countryside and Rights of Way Act 2000. It does <b>not</b> have the same meaning as in section 185 of the Road Traffic Act 1988 which restricts the meaning of motor vehicle to “a mechanically propelled vehicle intended or adapted for use on roads”. Our use of the term ‘motor vehicle’ includes all mechanically propelled vehicles, only with the exception of those excluded under s.189 RTA 88.</p> <p>‘Motor vehicle’ includes electrically propelled vehicles including, for some purposes, electrically assisted bicycles (for example, where an offence is committed when such bicycles are driven by those under the age of 14)</p>



MPV(s)	mechanically propelled vehicle(s)
MUPP(s)	Motorcycle(s) for use on private property, term coined by MCI
NATS	National Air Traffic System Ltd
NCC	Nottinghamshire County Council
NCN	National Cycle Network
NERC Act	Natural Environment and Rural Communities Act 2004
NNR	National Nature Reserve
NPA	National Park Authority
NPAONB	North Pennines Area of Outstanding Natural Beauty
NWT	Nottinghamshire Wildlife Trust
ORPA(s)	other route(s) with public access (a term used by the Ordnance Survey on 1:25,000 and 1:50,000 maps)
ORV	off-road vehicle (term used in USA)
OS	Ordnance Survey
PCSO	Police Community Support Officer
PDNPA	Peak District National Park Authority
PRoW(s)	public right(s) of way
Public right of way	<p>'Public rights of way' means all highways recorded on the Definitive Map and Statement and un-sealed routes otherwise recorded on the List of Streets. This includes routes recorded as footpaths, bridleways, roads used as public paths (RUPPs), restricted byways and byways open to all traffic (BOAT). However, it also includes those un-sealed minor highways which may be listed as unclassified roads (or unclassified county roads) on the local highway authorities' Lists of Streets. For practical rather than legal reasons we have recognised a distinction between sealed and un-sealed unclassified roads: Driving on the former would generally be recognised as being 'on-road', and outside the scope of this study, whereas driving on un-sealed routes is generally recognised as being 'off-road' and falls within our area of interest. We recognise that there is no legal distinction between sealed and un-sealed routes per se.</p> <p>We have also interpreted this term as including all Access Land, as defined by section 1 of the CRow Act.</p> <p>It should be noted that the recording of public footpaths, bridleways and RUPPs on the Definitive Map and Statement is without prejudice to any question whether the public has any other right of way, for example vehicular rights. Under the NERC Act, any unrecorded vehicular rights may be extinguished. In the mean time, it is possible that apparently illegal mechanically propelled vehicle use of footpaths and bridleways is by dint of unrecorded rights and is actually legal. Within the constraints of this study there is no practical way of determining if such unrecorded rights subsist. We also recognise that the CRow Act placed the burden of proof for such unrecorded rights on the user. We therefore must make the assumption that no unrecorded rights exist. We accept that this will result in some over-recording of illegal MPV use but feel that the error caused will be within acceptable limits. When sufficient results become available it will be possible to check results of this study against those of the Lost Ways Project to determine how big or small the error may be.</p>

Road	Road', unless the context dictates otherwise, is used to mean a route with vehicular rights.
Road used as public path	There is some uncertainty as to the rights carried by 'RUPPs'. However, it is not possible for us to investigate the status of individual routes and, in the absence of evidence to the contrary, our presumption is that these roads carry public vehicular rights.
RoWIP	Rights of Way Improvement Plan
RSPB	Royal Society for the Protection of Birds
RUPP(s)	Road(s) used as a public path
SAC	Special Area of Conservation
SM	Scheduled Monuments (formerly Scheduled Ancient Monuments)
SPA	Special Protection Area
SSSI(s)	Site(s) of Special Scientific Interest
Surfaced or sealed/unsurfaced or unsealed	<p>Sealed or surfaced roads are those with an asphalt (also known as tarmac) or concrete surface which seals and binds.</p> <p>An un-sealed or unsurfaced route may be stoned (metalled) or otherwise engineered but without a sealed surface.</p> <p>While sealed routes other than public rights of way recorded on the Definitive Map and Statement are not generally of interest, it should be noted that some bridleways and footpaths that are cycle tracks may be sealed and are of interest to the study.</p>
THPG	Tunstall Hills Protection Group
TRF	Trail Riders' Fellowship
TRO	Traffic Regulation Order
UCR	Unclassified county road
UDP	Unitary Development Plan
WIMD	Welsh Index of Multiple Deprivation
YDNPA	Yorkshire Dales National Park Authority
Unclassified roads	'Unclassified roads' are routes recorded by LHAs on their List of Streets. They can be known by a variety of names, including 'unclassified county roads' (UCR) and 'unclassified un-metalled roads'. The un-sealed routes are those of interest to this study. They may have some uncertainty as to the rights they carry. However, it is not possible for us to investigate the status of individual routes and, in the absence of evidence to the contrary, our presumption is that these roads carry public vehicular rights.
UCR	unclassified county roads

# 1 Background to the research project

## 1.1 The research specification

The research was commissioned by the Department for Environment, Food and Rural Affairs (Defra) and the Countryside Council for Wales (CCW) to investigate the illegal use of public rights of way (PRoWs) by mechanically-propelled vehicles (MPVs). Faber Maunsell Limited was contracted to undertake the research. This report presents their findings.

The research aims and objectives as set out in the specification are:

- to establish the current levels of illegal use of PRoWs by MPVS in England and Wales;
- to provide information about the scale, nature and physical effects of illegal use both on PRoWs and in the local area;
- to identify features or aspects of PRoWs that attract illegal use;
- to identify how conflicts are being resolved and compare their effectiveness and to identify any other relevant issues;
- to undertake appropriate consultations and liaise with the steering group and other stakeholders;
- to suggest methods of controlling illegal MPVS use of PRoWs; and
- to report on the findings to Defra and CCW.

The research seeks:

- to establish the current levels of participation in illegal MPV activities;
- to establish the effectiveness of current measures for curtailing illegal use;
- to identify if there are any particular characteristics of PRoWs, which are used illegally;
- to determine whether the illegal use is more prevalent in certain areas or related to certain local conditions;
- to provide information about the numbers and characteristics of the people who use PRoWs illegally and the types of vehicles they are using;
- to establish the availability of off-road<sup>1</sup> facilities (including illegal sites), and whether they are provided by the public or the private sector;
- to identify the extent to which off-road facilities would reduce illegal use of PRoWs; and
- to identify any other issues and any other material which may be relevant to the research.

The research specification is set out in **Appendix 1.1**. In regard to the coverage of Wales and of the regions of England, the research has been undertaken on a comprehensive basis to cover England and Wales as a whole. It does not seek to provide separate findings for Wales or for the English regions. However the case studies offer some insight into the situation in Wales and in the English regions respectively.

## 1.2 The scope of the research

The research specification indicated that PRoWs within the scope of the study are:

- PRoWs without vehicular rights, i.e. footpaths, bridleways and restricted byways with no unrecorded higher rights;
- byways open to all traffic (BOATs), roads used as public paths (RUPPs) and unclassified county roads (UCRs) used in contravention of traffic regulation orders (TROs); and

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<sup>1</sup> Throughout the report, 'off-road' is taken to mean on highways that are unsurfaced and other areas of land that are not roads

- ways over which public vehicular rights are claimed but are not recorded on the definitive map.

Where definitive maps of PRoWs have been prepared, they include all PRoWs that have been recorded by the surveying authority, generally the local highway authority. Ordnance Survey (OS) 1:25,000 and 1:50,000 maps show all PRoWs that have been notified to OS at the time of publication.

The definitive maps will not include:

- Any PRoWs omitted from the definitive maps for whatever reason (e.g. having been omitted from the original mapping post-1949, or having not yet been claimed). These ways (in England) are the subject of the *Discovering Lost Ways* project currently being undertaken by Natural England (originally initiated by the Countryside Agency);
- Other routes with public access (ORPAs) which are usually unclassified roads and so do not come within the ambit of the legislation covering the recording of PRoWs. These routes are shown on Ordnance Survey 1:25,000 and 1:50,000 mapping (by a line of circular dots, coloured green and red respectively). The nature of the rights to use these routes is uncertain and OS maps contain the advice in respect of ORPAs that “the exact nature of the rights on these routes and the existence of any restrictions may be checked with the local highway authority”; and
- Routes open to the public which are not PRoWs but on which the public are generally permitted a freedom to pass, for example, greenways developed by local authorities on closed railway lines.

All of these are considered to fall within the ambit of the research and the term ‘public routes’ has been used to encompass all linear routes which the public are generally permitted to use.

The public also has a right of access or is permitted to use other areas of land in the countryside and public space within urban green areas. These include:

- Areas of land to which there is a public right of access, notably access land created under various pieces of legislation such as Special Acts of Parliament (e.g. Dartmoor Commons Act 1985, Malvern Hills Act), the Law of Property Act 1925, access agreements made under the National Parks and Access to the Countryside Act 1949 and, more recently, the Countryside and Rights of Way Act 2000 (CROW Act);
- Land which is normally available for access on foot, notably that managed by the National Trust, Forestry Commission, Woodland Trust, country parks and public open spaces. This land may also be available for users with pedal cycles and on horseback;
- Foreshore (land between mean high and mean low water marks). In practical terms almost all beaches are open to the public although there is no general right of public access to the foreshore at present;
- In Greater London public green space in urban areas is interpreted as including any land open to the public designated as metropolitan open land; and
- In other urban areas larger public parks and other extensive areas of land open to the public have been included.

The term “green areas open to public access” has been used to cover all such land to which the public has a right of access or which the public are generally permitted to use, at least on foot and sometimes by other modes. Experience of such public access areas is that, in almost all cases, linear routes are present which the public customarily use and that, in many cases, such routes are PRoWs.

In general the approach taken in this research is to focus on public routes but to recognise that the illegal use of MPVs will not be confined to such routes and will spill into green areas open to public access.

### 1.3 Overview of the research approach

The overall approach to the research is summarised in **Figure 1.1**. **Appendix 1.2** contains a table which describes in more detail the research instruments used to meet each of the aims and objectives set out in the research specification. Further details on the methodology used for each part of the research are provided within the individual chapters reporting the results of the research.

### 1.4 Defining illegal and legal use of PRowS by MPVs

As noted above, identifying illegal use on the ground may be difficult. It may be easier to define what is legal or illegal use and this will clearly help in understanding the subject. Defra have prepared *“Regulating the use of motor vehicles on public rights of way and off road. – a guide for Local Authorities, Police and Community Safety Partnerships”* (December 2005) which summarises the legislation available for regulating the use of MPVs and case studies of its use.

Use of a PRow by a MPV may be legal where:

- The landowner, or in some cases the lawful occupier, authorises someone to drive a MPV on land. For example, a landowner may allow an equestrian event to be held on land which is crossed by PRowS. The passage of MPVs along the line of a PRow in connection with this event would be authorised; and
- It is not in contravention of Section 34 of the Road Traffic Act 1988; and
- The driving of MPVs on land is not in contravention of any planning regulation. For example, a landowner can authorise motorised events on his or her land for up to 14 days per year without seeking the need for planning consent; and
- All requirements for driver and vehicle licensing and insurance have been met. Arguably, because a PRow is a public place, it would appear that the law requires that the requirements for any MPV being driven along a PRow are the same as those applying on public roads;

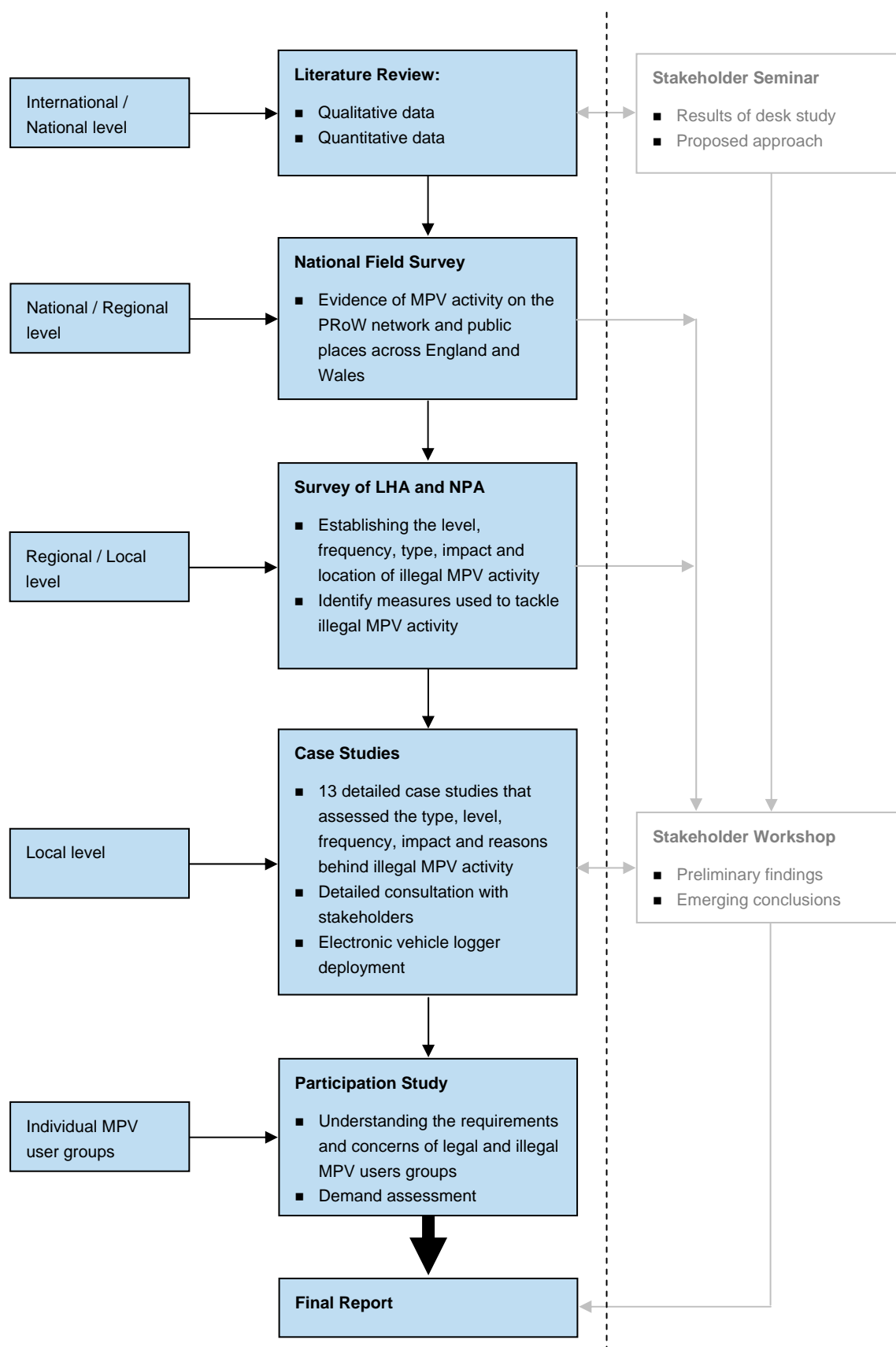
or where:

- The user of the MPV is exercising a private right of passage. For example property may have rights of passage for access which follow a PRow across other land; and
- Again, all requirements for driver and vehicle licensing and insurance were met.

Some use is clearly illegal. For example, the following are illegal:

- Driving on land other than on a public road, including common land - the Road Traffic Act 1988 Section 34 (as amended) makes it an offence for anyone to drive a MPV off-road or on a road that is a footpath, bridleway or restricted byway - without lawful authority. The legislation was strengthened by the CROW Act by extending cover to include all MPVs, rather than just motor vehicles designed for use on roads;
- Driving a MPV on a highway that is subject to a traffic regulation order (TRO) that prohibits such use; and
- Driving a MPV on a highway (which includes PRowS) without any of the following - a valid driving licence, a vehicle road fund licence, MOT, registration plate, at least third party insurance.

Figure 1.1: Overall approach



There are some grey areas where there is difficulty in deciding whether use is legal or illegal because, on some routes, the existence of public rights of passage for MPVs have not been conclusively determined. There are three cases of uncertainty:

- RUPPs that were recorded as such on Definitive Maps and Statements as at 1<sup>st</sup> May 2006 have now been re-classified as restricted byways (and so have no public rights for MPVs users, subject to certain exceptions – see below). However, in the case of any that are were already in the process of re-classification at that date, the local highway authority must continue with the re-classification process, which could result in the route being recorded as having BOAT status. In the interim, it is assumed that the route carries rights equivalent to those of a restricted byway;
- the Natural Environment and Rural Communities Act 2006 (NERC Act) imposed a cut-off date (20<sup>th</sup> January 2005 in England; 19<sup>th</sup> May 2005 in Wales) for the submission of claims for a route to be accorded BOAT status. However, there will be a number of claims for BOAT status that were submitted before the cut-off date but which have yet to be determined. If evidence supports the claim, the route must be acknowledged as carrying MPV rights and recorded as a BOAT;
- Some routes may fall within the exceptions to the automatic transformation of RUPPS into restricted byways as set out in s67(2) of the NERC Act and it is open to anyone to submit evidence to demonstrate that a route meets the criteria for exemption and that the route carries public MPV rights and so should be recorded as a BOAT.

However, even in these cases illegal use may arise; for example, use without a valid driving licence, a vehicle road fund licence, MOT, registration plate and at least third party insurance, is illegal. Where MPV use PROWs with rights of passage for MPV, contraventions of legislation relating to driver behaviour, for example, speeding or driving without due care and attention, may also occur. Behaviour that causes damage to the highway could also be an offence. More detail on definition of illegal and legal use of MPVs on PROWs is set out in **Table A1.3.1** in **Appendix 1.3**.

## 1.5 The structure of this research report

This research report is structured on the basis of chapters which essentially summarise the research undertaken and chapters which draw together the research findings. The following chapters set out the research undertaken:

- Chapter 2 - Literature review and desk study
- Chapter 3 - National field survey
- Chapter 4 - Survey of Local Highway Authorities and National Park Authorities
- Chapter 5 - Case studies

The remaining chapters draw together the research findings:

- Chapter 6 - Review of participation in the illegal off-road use of PROWs and green spaces with public access by MPVs
- Chapter 7 - Best practice in dealing with illegal off-road MPV use of PROWs and in green spaces with public access
- Chapter 8 Conclusions and recommendations of the research

Note that the Appendices are numbered by the Chapter to which they refer. Where there are no appendices to a chapter the number is omitted; thus Chapter 3 has no appendix and there is no Appendix 3.

# LITERATURE REVIEW AND DESK STUDY



## 2 Literature review and desk study

### 2.1 Objective

The primary objective of the literature review and desk study was to identify and review all noteworthy records, published literature and other sources which referred to the illegal use of MPVs on PRowS and in public access areas. This was undertaken using the internet as the primary means of identification although the researchers also drew on their past experience of countryside access work. It included any other useful data that came to light, for example, on the sales of MPVs in the United Kingdom.

The literature review and desk study:

- identified any existing hard data on the illegal use of PRowS by MPVs;
- informed our national field survey and questionnaire design proposals;
- indicated possible case study locations;
- assisted in the interpretation of our field survey and questionnaire results; and
- generally informed the research.

### 2.2 Internet search

#### 2.2.1 *Method used*

Internet search is now the most cost effective means of bringing together background material for research. The following internet searches were undertaken:

- General internet search using the Google search engine;
- Internet search using university search engines;
- Targeted internet search within websites considered most likely to have material of interest;
- Specific internet search to find experience of illegal use of off-road MPVs outside England and Wales;
- Specific internet search focused on finding information on organised off-road MPV events.

It was recognised that the internet search would miss any information that was not posted in some form to a website and that it would be biased towards the information that website operators considered was most appropriate for posting. However, other research tasks have been undertaken, for example the survey of Local Highway Authorities, which would tend to redress the balance.

#### 2.2.2 *General internet search*

The general internet search was carried out in February 2006 using the [www.google.co.uk](http://www.google.co.uk) engine to search for the string 'illegal use of public rights of way by motor vehicles'. The first 30 websites returned which could be opened were visited and comprised:

- Five (17%) were the websites of government departments, statutory agencies or other organisations or bodies namely Defra, Natural England (the Countryside Agency and English Nature at the time of searching), the Council for National Parks, the Countryside Council for Wales and National Trails;
- Five (17%) were websites run by local authorities, including National Park Authorities;
- Five (17%) were the websites of user groups representing users of MPVs, including the Motorists' Land Access and Recreation Association (LARA), the Motor Cycle Industry Association (MCI), the British Motorcycle Federation (BMF) and Enduro UK.

In summary, the search returns were:

- 14 returns (47%) related to responses to the 2003 Defra consultation paper on '*Use of mechanically propelled vehicles on rights of way*';
- 12 returns (40%) related to the legal use of PRowS by MPVs, including guidance notes provided by local councils (5) and statutory environmental bodies (3);
- Three returns (10%) referred to the provisions in the proposed Natural Environment and Rural Communities Bill (now passed as the NERC Act); and
- Four returns (13%) referred to other topics.

#### 2.2.3 *Internet search using university search engines*

A search for published articles and papers was undertaken using the search engines at Cardiff, Glamorgan, Swansea and Bristol Universities. No relevant papers or articles were identified suggesting that this subject has not been the focus of academic research.

#### 2.2.4 *Targeted web search in England and Wales*

A search was undertaken for references to '*illegal motor vehicle use*' within the following specific websites:

- Forestry Commission;
- National park authorities in England and Wales;
- Natural England (English Nature and the Countryside Agency at the time of searching);
- Countryside Council for Wales (CCW);
- Police forces in England and Wales;
- English Heritage and Cadw;
- Council for National Parks (CNP); and
- BBC.

The website address, geographical location (if any) and summary of the reference were listed and are summarised in **Appendix 2.1**.

In summary, no quantitative data was identified in this research on the illegal use of MPVs, but there were numerous anecdotal reports of illegal use of MPVs, the problems that this was causing in particular places and the responses of agencies to these problems.

#### 2.2.5 *Websites outside England and Wales*

The search term "*illegal use of off-road motor vehicles*" was undertaken using [www.google.com](http://www.google.com). For this component of the research the returned websites were only recorded where they referred to off-road motor vehicles outside of England and Wales.

Of the 15 websites from the USA, seven specifically referred to the problem of illegal motor vehicle use or off-road vehicle use in National Forests in the USA. National Forests are approximately equivalent to Forestry Commission forests in the UK. One website discussed the authorised use of private forest land by off-road vehicles at Port Blakely in Washington State. The most useful material came from websites in the USA and two reports in particular. There was some useful material from continental Europe. This overseas material is summarised in **Appendix 2.2**.

### 2.2.6 *Websites in England and Wales providing for legal off-road use*

There are a number of websites that provide information on off-road competition events, facilities/sites and training courses throughout the UK representing provision for legal off-road use. The following websites were the most informative:

- The TMX (Trials and Motocross News) site ([www.tmxnews.co.uk](http://www.tmxnews.co.uk)) disseminates off-road motorcycle competition news, events and activities across the UK. An events calendar includes organised trial, motocross and enduro events and presentations scheduled for the coming weekend.
- The 4x4 WEB ([www.4x4web.co.uk](http://www.4x4web.co.uk)) site provides information for 4x4 off-road vehicle enthusiasts. The website provides information on 4x4 training courses and off-road venues including dedicated off-road sites;
- The British Off Road Driving Association promotes their members' facilities for off-road driving, principally at dedicated sites in the UK;
- [www.Offroad.com](http://www.Offroad.com) identifies sites for off-road use in most counties in England and Wales;
- [www.Offroadroutes.net](http://www.Offroadroutes.net) sells guides to off-road routes in the UK but carries the warning that, since NERC Act, some of these routes may no longer have rights of passage for MPVs.

Some information on specific sites which provide for the off-road user is set out in **Appendix 2.3**.

## 2.3 **Published literature**

### 2.3.1 *Introduction*

Reports and journal articles were reviewed from a number of sources including:

- Defra;
- The Countryside Agency<sup>2</sup>;
- The Countryside Council for Wales;
- The Ramblers' Association;
- Wales Off-road Motorcycling Steering Group;
- Motor Cycle Industry Association (MCI);
- Auto Cycle Union (ACU); and
- LARA.

Relevant reports and journal articles are listed in **Appendix 2.4**. Material of particular interest is summarised below.

### 2.3.2 *The Ramblers' Association Green Lanes at Risk Register*

The Green Lanes at Risk Register (GLaRR) is a continuous database run and maintained by the Ramblers' Association's Green Lanes Team to record the problems members have encountered with recreational vehicles on PRoWs. The list predominantly comprises BOAT, former RUPPs or other PRoW where vehicle rights exist or have been claimed. Interpreting whether observed motor vehicle use is legal or illegal is therefore difficult to establish. However, there are a number of recorded observations of motor vehicle activity on PRoWs that hold no rights of passage for MPVs or where a TRO is in force, although even this could be lawful, for example, if the vehicle driver is the landowner or has the landowner's permission.

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<sup>2</sup> On 2<sup>nd</sup> October 2006, the Landscape, Access and Recreation section of the Countryside Agency was merged with English Nature and parts of the Rural Development Service to become Natural England.

## 2.3.3

*Wales Off-road Motorcycling Conference 2005*

This conference was attended by a wide range of interests including motor vehicle users, other PRoW users, landowners, local authorities and Government. It aired a diverse range of views and the following issues were identified:

- Legislation is incomplete in many areas and there is lack of control over registration, operation and ownership of off-road MPVs;
- There is a lack of a local club network - people aren't connecting and it results in lack of self-policing among users;
- Lack of legal off-road facilities and real problems identifying suitable sites that won't be objected to;
- Lack of accountability among manufacturers, retailers, educators, users, magazines, the internet;
- Police approach tends towards piecemeal rather than holistic and lack of consistent approach to enforcement and resources to implement enforcement – it is a low priority;
- Noise nuisance to other people from the use of off-road motorcycles;
- Lack of communication between partners - local authorities, police and the Forestry Commission;
- The conflicting demands of different motorcycle user groups and of motorcycling and other recreational activities;
- Lack of equity and fairness in ensuring all interests and voices are considered;
- Lack of real research about social and economic trends around motor cycling, the extent of the problems and benefits, as well as different aspects of the activity;
- Lack of understanding about the activity and lack of awareness and education about provision and the law among communities, parents/users and landowners;
- Low political priority at all levels;
- Future loss of legal off-road routes due to CRow Act and open space and Defra;
- Damage and cost of repair to the environment;
- Negative reporting in the media;
- Who is taking responsibility for insurance;
- Culture of law-breaking (the buzz or adrenalin rush);
- Communication with hard to reach groups;
- The judiciary is not up to speed with the issue;
- Lack of co-ordination of procedures and policy nationally.

The final conclusions emphasised the following points:

- It is not just legislation that is needed, it is also enforcement;
- There is a need to identify good examples and share them;
- Provision for off-road use is needed and farmers could be encouraged to diversify to provide facilities;
- Local Authorities need to be more positive and to see the benefits of off-road MPV use. There needs to be some guidance from the top on this;
- A partnership approach is needed and the Forestry Commission, as the largest single land owner in Wales, is keen to help push this agenda forward;
- There is a need to involve users, this is not just a public authority task;
- Volunteers need to be engaged;
- Political drive is needed to take this forward.

#### 2.3.4 *Wales Off-road Motorcycling Steering Group – first Annual Report*

The Wales Off-road Motorcycle Steering Group believes that off-road motorcycling is a rapidly increasing activity, both lawful and unlawful. Opposition against the activity is also growing and in many instances the number of available sites or locations is reducing due to policy, planning or environmental restrictions. The issue remains largely unresolved and in many agencies is still given insufficient priority or resources. If the dichotomy of increased activity and reduced availability is not resolved, the amount of illegal use, complaints and safety risk will continue to increase.

There has been a lack of consistency amongst agencies and organisations across Wales towards the provision of facilities as well as the education and enforcement against the illegal activity. Whilst there are some good examples, this is not generally replicated across Wales. The primary objective of the Steering Group has therefore been to seek greater commitment and consistency towards both provision and education/enforcement.

Key recommendations in its first Annual Report therefore include: greater partnership working, more effective communication and a requirement for policy and practical guidance.

The Steering Group concludes that the role of the Welsh Assembly Government (WAG) will be pivotal in promoting a pro-solution approach, requiring all agencies to work together in finding consistent and equitable solutions across Wales. It will need to provide framework guidance within which many of the agencies work and also have an important role in ensuring effective co-operation and interaction with Defra, DTI and other GB agencies which are involved in this issue.

It is clear that off-road motorcycling is increasingly an emotive issue. Solutions therefore need to be developed sensitively to avoid a polarisation of views. The resolution of conflict requires a pro-solution approach which tackles both the rising problem of illegal use and also makes provision for off-road motorcycling as a legitimate recreational activity.

The Steering Group is of the view that much progress has been made in the last 18 months, but the recommendations in this report identify that there is still much more work to do before the work of the group is concluded. Whilst the WAG is seen as key to effective progress being made, the Steering Group also recognises the opportunity and responsibility for self-help amongst the members of the Group and its two sub-groups to work in a joined up way to make sustainable progress.

#### 2.3.5 *Motor Cycle Industry Association – Motorcycles for use on Private Property*

The MCI briefing note, *Motorcycles for use on Private Property*, (March 2006) provides a background to the issue, an analysis of the problems arising and proposes a strategy for action at the local and national levels. The note states that “*As the result of an unprecedented reduction in the price of a range of small motorcycles for off-road use, usage has risen dramatically. The public is rightly concerned that the places and manner in which these machines are used cause nuisance and in some cases intimidation.*” The MCI strategy proposes a strategy for action “*to provide facilities for the 80-90% of riders willing to use organised sites, thus permitting the police and other authorities to focus on the 10-20% of anti-social users*”.

#### 2.3.6 *Auto-Cycle Union - Best practice guidelines for the operation and management of off road motorcycle facilities*

The ACU published *Best practice guidelines for the operation and management of off road motorcycle facilities* in 2006. The guidelines cover recreational, non-competitive motorcycle activity and are promoted as the minimum standard for those engaged in the operation or management of venues/facilities.

## 2.4 Data on sales of mechanically propelled vehicles with off-road capability

Data on sales of mechanically propelled vehicles with off-road capability were found from the following sources:

- MCI;
- Department for Transport (DfT);
- Agricultural Engineers Association (AEA); and
- The Office of National Statistics (ONS).

These data are reported in **Chapter 6**.

## 2.5 Quantitative hard data

No significant source of quantitative hard data has been identified other than the data collected using Duddon vehicle loggers on the Ridgeway National Trail, by the Lake District National Park Authority and by Faber Maunsell in the course of the research project on motor vehicles on BOAT. This data is only useful in that it indicates the overall level of MPV use on a particular route. Where MPV use is restricted by a TRO, the assumption might be made that all MPV use is illegal but some use, for example by the landowner or occupier for land management purposes, may not be subject to the restriction.

It is concluded that the data may be of some use where the routes concerned are subject to TROs but will require interpretation to decide the extent to which any MPV use recorded is illegal.

## 2.6 Conclusions from the literature review and desk study

In broad terms the information found in the literature review and desk study indicates that:

- Illegal use of motor vehicles is present in some areas on both PRoWs and in green spaces with public access;
- The most frequently reported type of illegal use of MPVs is recreational use by motorcyclists and this may involve a wide range of vehicle types, for example mini-motos, powered scooters, motocross bikes, trials bikes and enduro bikes;
- Illegal users of motor vehicles are diverse including, for example teenage motorcyclists, 'professional' motorcyclists, families in 4X4 off-road vehicles and parents with small children on mini-quad bikes, those engaged on illegal activities (such as fly-tipping and vehicle dumping);
- Other MPVs used illegally include quad bikes, 4x4 off-road vehicles, cars and commercial vehicles;
- Irresponsible use that endangers other users of public access areas and public routes is an aspect of illegality that needs recognition and can perhaps best be categorised as anti-social behaviour;
- There is limited availability of public routes for legal recreational use of MPVs;
- There is an impact on designated areas including National Parks, National Nature Reserves (NNRs), Sites of Special Scientific Interest (SSSIs), Special Protection Areas (SPAs) and Scheduled Monuments (SMs). Some of these areas, for example heathland and earthworks, are particularly susceptible to damage by MPV use;
- Places affected include Forestry Commission and other woodlands, heathland, uplands, common land, the coast, mineral working land (or land formerly so used) and PRoW;
- Wildlife is affected including rare species;
- The illegal use of MPVs has resulted in accidents involving injury and even death, both participants and others have been injured or killed;
- Enforcement action against illegal use of MPVs, typically in the form of police operations, is relatively widespread and often organised on a joint inter-agency basis which includes, in some instances, support from MPV user groups. The powers to seize and destroy MPVs are being used widely by police forces as a deterrent to illegal use of MPVs. Enforcement of TROs has been through the issue of fixed penalty notices;

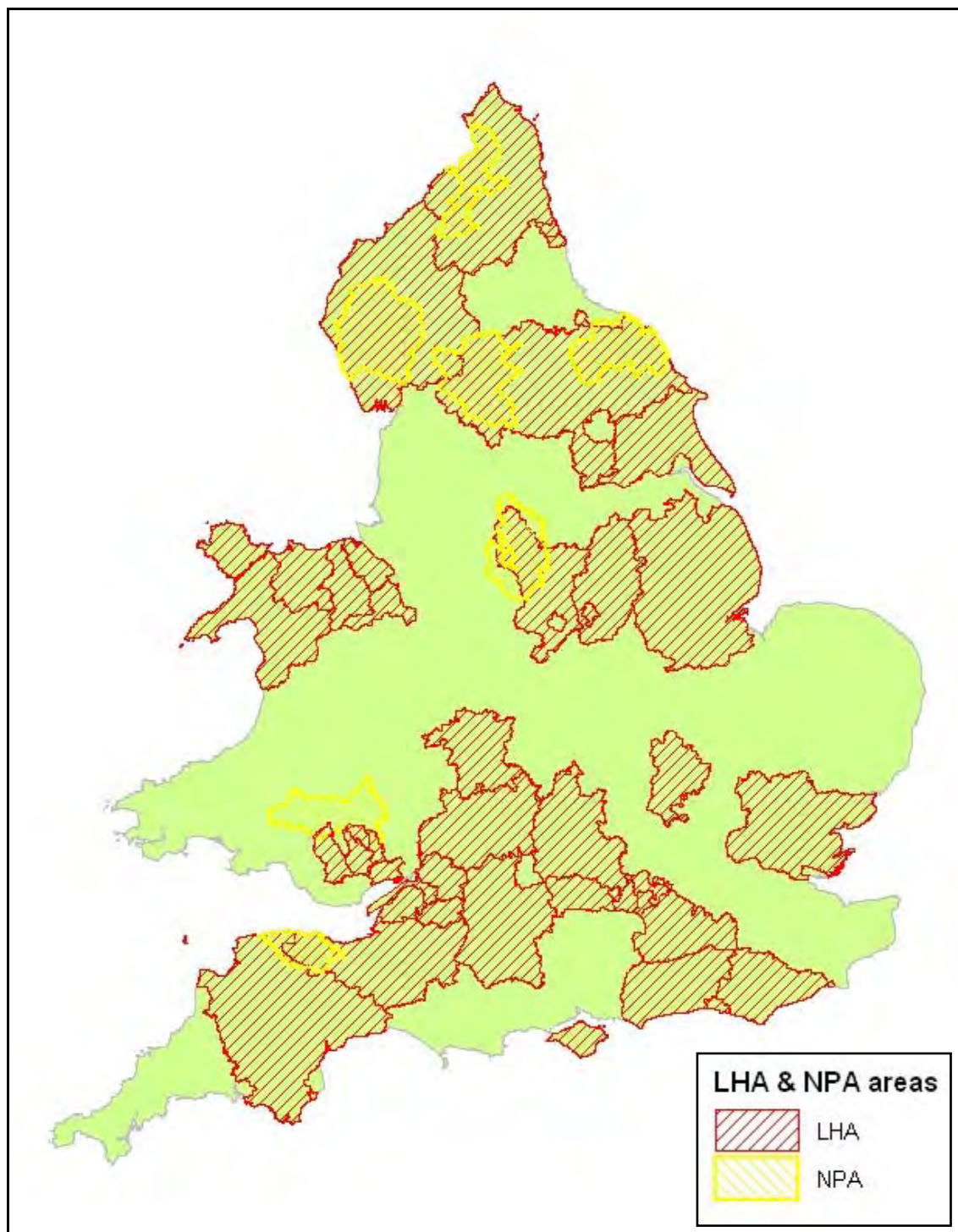
- A high proportion of reported crimes dealt with by Natural England (73%) were attributable to the illegal off-road use of motor vehicles;
- Physical works which include the installation of MPV barriers are one of the responses being used but can be susceptible to damage by participants in the illegal use of MPVs;
- Closure of routes to MPVs through TROs is one response to the illegal activities of some MPV users which include damage to property, for example gates and livestock;
- In some places, guidance is being made available to recreational MPV users to encourage responsible MPV use;
- There is a need for facilities to cater for off-road motorcycle use. Current legal facilities are generally on a pay and play basis.

The internet search returns on illegal use of MPVs on PRoWs and in green areas open to public access are indicated on **Figure 2.1** below (while these are mainly local authority county areas, they include police force areas, unitary authority areas, national parks and general geographic areas).

The following areas were noted from the search returns but are considered to be outwith this study although the issues are related:

- The issue of deterioration of routes on which MPVs have a right of passage is outwith this study except to the extent that such use may be by MPVs which are driven, for example, without a valid road fund license or insurance, or on which criminal damage caused by MPVs use takes place;
- The widespread use of mini-motos and powered scooters in other public places, including use on roads and in car parks, and lack of appreciation by users of the legal requirements, for example road fund licence and insurance; and
- The illegal use of MPVs on private land, i.e. without the authorisation of the landowner.

**Figure 2.1: Geographic location of areas with illegal use of MPVs on public routes and on green spaces with public access mentioned in internet search returns by LHA and NPA areas**







# 3 National field survey

## 3.1 Objectives

The objectives of the national field survey were:

- To determine the extent of illegal use of MPVs on the PRoW network as a whole;
- To collect evidence of physical damage resulting from the illegal use of MPVs on the PRoW network as a whole;
- To identify any features or characteristics associated with illegal use, for example landscape features and PRoWs characteristics;
- To identify the principal impacts of the illegal use of MPVs on legitimate users of PRoWs, on people living near PRoWs and on nature conservation interests.

This part of the research focuses on PRoWs which are recorded on definitive maps held by surveying authorities, effectively Local Highway Authorities. It was not possible to sample other public routes that are not PRoWs as no national dataset was available from which a representative sample could be drawn. However, where other public routes and public access areas were identified close to the selected PRoWs, they were covered in the commentary on the context for the selected section of PRoW.

## 3.2 Methods

### 3.2.1 Overall approach

The overall approach taken was:

- To select PRoW sections at random;
- To carry out a site walkover of each selected PRoW section to collect evidence that indicated the presence or absence of MPVs use, whether it was likely to be illegal and the impact of use. Evidence included the type and extent of MPV tracks, the characteristics of the PRoW surface, obstructions to passage by MPVs and land use and character;
- To discuss illegal MPV use with anyone encountered in the area – such as residents of nearby houses, other PRoW users; and
- To consider any illegal use of MPVs on other PRoWs and public access areas in the area of the sample PRoW section.

The evidence collected was analysed to provide an indication of the extent and likelihood of illegal use by MPVs, the characteristics with which illegal use of PRoWs by MPVs is associated and the impacts evident from the site walkovers.

### 3.2.2 Sampling

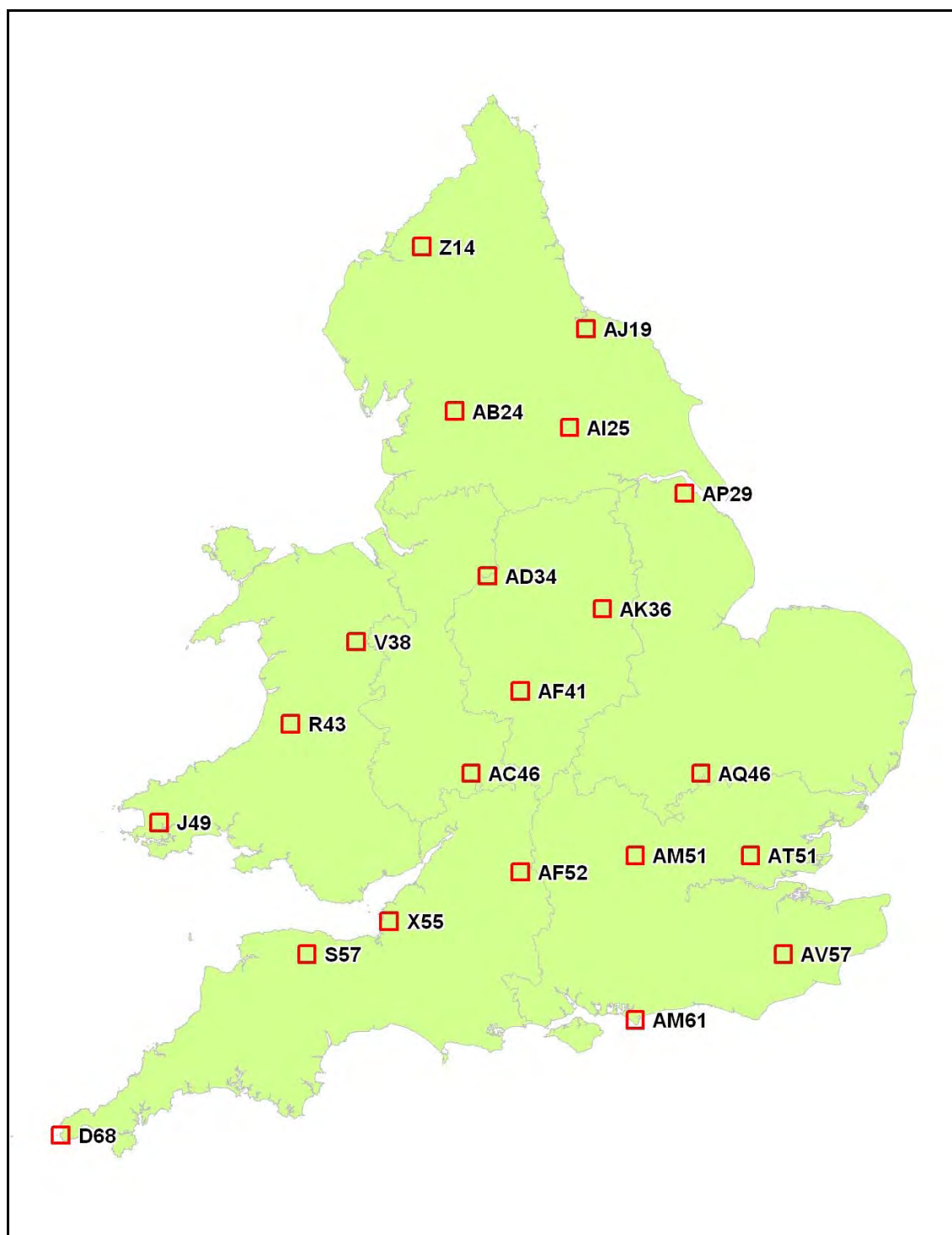
A sample of 75 100 metre sections of PRow was selected at random from the overall network of all PRowS in England and Wales. To allow cost-effective surveying the sample sections were selected from 25 10km by 10km areas within each of which three sections. This meant that only 25 clusters had to be visited rather than 75 dispersed sections. Clustering of the surveyed PRow sections allowed more sections to be surveyed at the same cost. Note that the size of the sample and its geographical distribution is designed to allow broad conclusions across England and Wales as a whole and not at a Wales or English region level.

England and Wales were divided into seven regions which followed county boundaries as shown in **Figure 3.1**. These regions were overlaid with a grid of 10km by 10km squares based on the Ordnance Survey National Grid. The initial task was to select 25 10km by 10km squares at random with each selected 10km by 10km square representing a cluster. To ensure reasonable geographical distribution, the 10km by 10km squares were selected on the basis of regions with the number of squares in each region broadly in line with the length of PRow in that region. Furthermore, to avoid bias, the selection within regions was weighted by the length of PRow within each 10km by 10km square. This technique is known as stratified random sampling and is based on Greig-Smith, P. (1983) *Quantitative plant ecology*. Blackwell, Oxford.

Within each selected 10km by 10km square, a cluster of three 100 metre sections of PRow was selected as follows:

- The 10km by 10km squares were further sub-divided into a survey grid of 2km by 2km squares;
- Three 2km by 2km squares were selected at random from within each 10km by 10km with no overlap allowed and with each 2km by 2km square being at least 1km from the other selected squares; and
- Within each selected 2km by 2km square a point was selected at random and the 100 metre section of PRow closest to that point was selected for survey.

**Figure 3.1: Location of 10km by 10km randomly selected grids across England and Wales by regional area**



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### 3.2.3 *Walkover site survey*

The selected 100 metre PRow sections were surveyed using the same survey procedure, thus allowing objective assessment of illegal MPV activity on a national basis. The survey collected data on:

- The 100 metre section of PRow itself; and
- The context provided by the remainder of the 10km by 10km square within which the section was located.

The data gathered for each 100 metre section followed the proforma shown in **Figure 3.2**. Contextual data for the PRow was recorded in the commentary box. This provided information that could not be obtained by surveying the selected 100 metre section; for example:

- If the PRow was obstructed further along its length; and/or
- It was crossed by another PRow with evidence of MPV use; and/or
- There were other PRows within the 2km by 2km square with evidence of illegal use by motor vehicles;
- It connected directly to the local highway network within the area.

Surveyors were provided with a paper map of the selected PRow sections, and of the surrounding area, which could be annotated during the field survey. Wherever possible, all PRows within a 2km by 2km square were walked

A key part of the survey was to establish whether the 100 metre section was capable of use by MPVs of particular types. MPV use might be precluded by the width of the PRow, by vegetation or by other obstructions. Typical obstructions encountered that would prevent or restrict use included concrete bollards, locked gates, overgrowth of vegetation and streams. The surveyors had to make their own judgement as to whether passage to individual MPV types was obstructed. For example:

- A motorcycle can pass along a narrower way than a 4x4 off-road vehicle;
- Vegetation might obstruct a 4x4 motor vehicle but not a motorcycle;
- A bollard or stile might obstruct a 4x4 off-road vehicle but not a motorcycle; and
- A locked gate would obstruct a member of the public but not a land owner, occupier or other person with access to the key.

An obstruction may occur at a single point, for example a locked gate, or may extend over a section of a PRow, for example a section may be overgrown with dense vegetation. Where it occurs at a single point, use of the remainder of the PRow may technically be possible but absence of a through route may reduce its attraction.

**Figure 3.2: PRow survey proforma**

<i>General</i>	<i>Local Grid ID</i>	
	<i>Survey Grid ID</i>	
	<i>Easting</i>	
	<i>Northing</i>	
	<i>Date of survey</i>	
	<i>PRow Type</i>	
	<i>Signage indicating PRow</i>	
	<i>Surface Type</i>	
	<i>Surface Condition (Wet/Dry)</i>	
	<i>Land use</i>	<i>Lowland/ Upland/ Highland/ Coastal</i>
<i>Woodland</i>		
<i>Agricultural</i>		
<i>Common Land</i>		
<i>Residential</i>		
<i>Other</i>		
<i>SSSI</i>		
<i>National Park</i>		
<i>Area of Outstanding Natural Beauty</i>		
<i>Access</i>		<i>Building(s) directly accessed from surveyed PRow</i>
	<i>Obstructed</i>	
	<i>Traffic Regulation Order</i>	
	<i>Motorcycle</i>	
	<i>Quad</i>	
	<i>4x4 / Car</i>	
	<i>Large Vehicle</i>	
	<i>Level of use</i>	<i>Motorcycle</i>
<i>Quad</i>		
<i>4x4 / Car</i>		
<i>Large Vehicle</i>		
<i>Commentary Box</i>		

### 3.3 Statistical analysis

The sample size of 75 records is small relative to the population of PRowS. 95% confidence limits have been indicated for the conclusions drawn from the sample but these are necessarily quite wide. However, the conclusions drawn are generally supported by:

- The contextual data on PRowS in the area surrounding the selected 100 metre section of PRow; and
- The experience of the research team in dealing with MPVs on PRowS.

### 3.4 Characteristics of surveyed PRowS

#### 3.4.1 Proportion of PRow by type in surveyed PRow sections

The status of a PRow is of importance in determining illegal use by MPVs. Except where prohibited by TRO, there is a public right of passage for MPVs<sup>3</sup> on BOATs only. On all other PRowS, any rights of passage for MPVs are private. Typically they exist where property owners have rights of passage (known as easements) for access purposes over land which is not in their ownership. Landowners, or their tenants, may authorise passage in MPVs by others across their land. Where an individual has no private right of passage or no authorisation from landowners or tenants and is not acting in an emergency, the use of a PRow that is not a BOAT by a MPV is likely to be a criminal offence.

The proportions of PRow type in the 75 sampled PRow sections are listed in **Table 3.1**. The proportion of PRow length by type of PRow in the population of all PRowS in England and Wales is provided for comparison. For footpaths, the sample proportion is very close to the proportion in the whole population. It appears that bridleways have been under sampled relative to the whole population while restricted byways have been over sampled. In the absence of private rights of passage or authorisation from landowners or tenants, the use of all but one of the surveyed PRow sections by a member of the public using a MPV is illegal.

**Table 3.1: Comparison of proportion of surveyed PRow sections by PRow type with all PRowS in England and Wales**

Public right of way type	National sample survey		England and Wales	
	Number sampled	Proportion of sample	PRow length	Proportion of PRow length
Footpath	59	79%	166,794 km	78%
Bridleway	10	13%	38,661 km	18%
Byway open to all traffic	1	1%	4,511 km	2%
Restricted byway	5	7%	4,793 km	2%
All PRowS	75	100%	214,759 km	100%

Note: The dataset for England and Wales is based on local highway authority digital data where possible. Where this has not been possible Ordnance Survey data has been used.

<sup>3</sup> It should be noted that, for the purpose of the Road Traffic Act 1988 s34, invalid carriages are not classified as MPV (by virtue of s20 of the Chronically Sick and Disabled Persons Act 1970). Likewise, anyone reliant on an invalid carriage is permitted to take it onto CRow Access Land.

### 3.4.2 *PRoW signs*

Local highway authorities (LHAs) have a duty to ensure that PRoWs are, as a minimum, signed where they meet the surfaced road network. Of the 75 surveyed sections, 59 (79%) had signs, for example fingerposts, indicating the status of the PRoW. **Table 3.2** indicates little variation between each type of PRoW in the extent of signing. The general indication is that some 21% of all PRoWs are not adequately signed such that informed MPV users can readily see whether and what rights of passage exist.

**Table 3.2: Proportion of surveyed PRoW sections with signs**

<i>PRoW</i>	<i>Signage present</i>	<i>Proportion of sample</i>
Footpath	46	78%
Bridleway	8	80%
BOAT	1	100%
Restricted byway (formerly RUPP)	4	80%
All PRoWs	59	79%

### 3.4.3 *Surface type and condition*

The surface type and condition of PRoW is helpful in characterising the nature of the route and likely use. In general, PRoWs that are hard surfaced with tarmac or concrete are either:

- Urban PRoWs; or
- Used for MPVs to gain access to land or property, most often buildings.

On such routes, it was only possible to indicate MPV use, and whether that use was legal, by analysing the context for the PRoW section; for example, where a PRoW follows a driveway leading to a private house, it was felt reasonable to assume that the PRoW is used by MPVs to gain access to the house and that such use is authorised.

Where soft surfaces are present it was easier to collect evidence of passage by MPVs. For these PRoWs, evidence of use by MPVs was generally obvious, particularly where use is frequent and/or the surface was muddy. Four-wheeled vehicles leave clear twin tracks if driven across grass or mud and the distance between the two tracks is a good indicator of vehicle type. The size and pattern of the track also provides evidence of the type of vehicle. The position is more confused where the PRoW is wide and MPVs are not restricted to a single track.

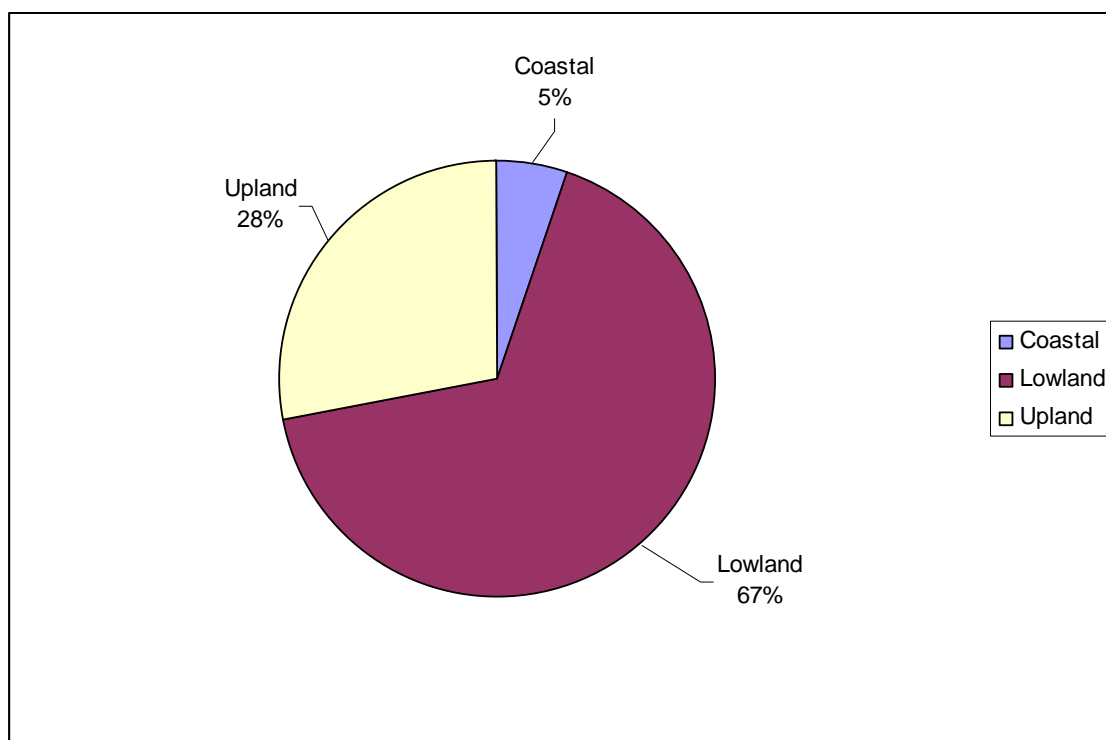
The surface of 69% of surveyed PRoW sections was composed of grass, earth, mud or loose material, for example, gravel. 30% percent were hard surfaced, generally with tarmac. One of the surveyed sections (1%) consisted partly of a stretch of tarmac road and partly a muddy track. 71% of the PRoW surfaces were recorded as 'dry', 28% as 'wet'. One of the PRoW sections was under an arable crop and the condition of the route could not be established.



### 3.4.4 Land character and use

**Figure 3.3** indicates the proportion of the sampled PRow sections by land character.

**Figure 3.3: Surveyed PRow sections by land type**



Most surveyed PRow sections (76%) crossed or ran adjacent to fields used for agriculture. A further 9% of were within or adjacent to developed land, mainly residential property. 8% of routes were within or adjacent to woodland and 3% crossed common land.

Ten of the surveyed PRow sections were within the boundaries of Areas of Outstanding Natural Beauty (AONB); eight were within national parks including four in Exmoor, two in the Peak District, one in the North York Moors and one in the Yorkshire Dales; and four were within Site of Special Scientific Interest (SSSI). None of the surveyed PRow sections were within Forestry Commission land.

### 3.4.5 Access to buildings and other property

**Table 3.3** summarises the extent to which PRow sections follow drives or tracks used to access property. This was typically in the form of a driveway or farm access track which was followed by a PRow. In using this route to access the property, most users are likely to be exercising a private right of passage rather than relying on the PRow to obtain access. It is assumed that any use of these PRow sections to access property by MPV drivers is likely to be authorised. In eight cases (10%), access was provided to farm buildings associated with a dwelling and in five cases a PRow was followed in accessing fields for land management. 79% of the surveyed PRow sections did not appear to follow drives or tracks used for property access.

**Table 3.3: Surveyed PRow sections following drives or tracks used to access property**

<i>Property served</i>	<i>Number of surveyed PRow sections</i>	<i>Percentage of total sample (n=75)</i>
Access to dwellings	2	3%
Used to access dwellings and farm buildings	1	1%
Use to access fields for land management	5	7%
Used to access farm (farmhouse and farm buildings)	6	8%
Used to access farm and telecommunications use	1	1%
Used to access farm and nursery complex	1	1%
Total	16	21%

### 3.4.6 *Obstructions to passage by MPVs and traffic regulation orders*

From the outset of the research it was evident that some PRowS were:

- Not capable of use by some or all kinds of MPVs because of obstruction by stiles, restricted width, surface, gradient or vegetation;
- Restricted for use by the general public because of, for example locked gates;
- Subject to TRO prohibiting or restricting use by MPVs.

The first two of these may have the effect of preventing public use by some or all MPVs. PRowS subject to TRO may still be capable of use by MPVs, albeit illegally, but if properly signed potential users are at least made aware of the prohibition or restriction. Note that the use of the term obstruction does not imply that a PRow is being obstructed illegally. It simply refers to whether passage by MPVs is physically obstructed.

**Table 3.4** summarises the extent of obstructions on surveyed PRow sections. 51% of surveyed PRow sections were completely obstructed to passage by any type of MPV, for example by a kissing gate or stile. A further 19% were partially obstructed, for example they were only wide enough for passage by motorcycles or could only be accessed from one end. Where there was a gate that was not locked, this was regarded as a partial obstruction as it provided a significant discouragement to illegal use by MPVs. The remaining 31% of sampled PRowS were not obstructed to MPV use. Unsurprisingly, footpaths are much more likely to be obstructed to use by MPVs than other types of PRowS.

38 of the sample of 75 PRow sections surveyed were obstructed. Applying a simple significance test at the 95% confidence limit, the range within which the level of obstruction is 95% reliable is 33.7 (45%) to 42.3 (56%). In essence we can be 95% sure that the proportion of all PRowS that are obstructed to passage by any kind of MPV lies within this range.

For footpaths the relatively large size of the sample (59) means that a similar broad conclusion can be drawn. Applying a simple significance test at the 95% confidence limit, the range within which the level of obstruction is 95% reliable is 30.2 (51%) to 39.8 (67%). For the remaining PRow types the sample sizes of one to 10 are too small to allow reliable conclusions about obstruction to be drawn.

The key point is that a significant proportion of all PRowS, probably of the order of 50%, cannot in practicable terms be used by MPVs. For public footpaths, this proportion is higher.

**Table 3.4: Obstruction to MPV passage for surveyed PRow sections**

<i>PRow</i>	<i>Obstructed to passage by any kind of MPV</i>		<i>Partially obstructed either to particular kinds of MPV or to prevent through passage</i>		<i>Unobstructed</i>	
	<i>Count</i>	<i>Percent of sample</i>	<i>Count</i>	<i>Percent of sample</i>	<i>Count</i>	<i>Percent of sample</i>
Footpath (59 sections in sample)	35	59%	11	19%	13	22%
Bridleway (10 sections in sample)	2	20%	0	0%	8	80%
BOAT (1 section in sample)	0	0%	0	0%	1	100%
Restricted byways (5 sections in sample)	1	20%	3	60%	1	20%
All PRowS (75 sections in sample)	38	51%	14	19%	23	31%

**Table 3.5** sets out data for the 11 surveyed PRow sections that provide access to buildings. In broad terms, it appears that PRowS that provide access to buildings are less likely to be obstructed than PRowS as a whole. Note that partial obstruction includes unlocked gates.

**Table 3.5: Obstruction to MPV passage for surveyed PRow sections that provide access to dwellings**

<i>PRow</i>	<i>Obstructed to passage by any kind of MPV</i>		<i>Partially obstructed either to particular kinds of MPV or to prevent through passage</i>		<i>Unobstructed</i>	
	<i>Count</i>	<i>Percent</i>	<i>Count</i>	<i>Percent</i>	<i>Count</i>	<i>Percent</i>
All PRowS providing access to buildings (11 sections in sample)	0	0%	3	27%	8	73%

One surveyed PRow section, a restricted byway at Crundale in Pembrokeshire, was subject to a TRO prohibiting any MPVs using the PRow.

### 3.4.7 Passage of PRowS by MPVs

**Table 3.6** below indicates the proportion of the surveyed PRow network that could be used by MPVs. The survey returns for motorcycles and quad bikes and for cars/4x4 off-road vehicles and large vehicles were the same at each survey location. The categories were, therefore, combined and considered together for the remainder of this analysis.

In broad terms the proportion of PRowS that can be used by motorcycles and quad bikes is slightly higher than the proportion that can be used by cars/4X4 off-road vehicles and large vehicles.

**Table 3.6: PRowS that can be used by MPVs**

PRow	Passage possible by motorcycle and quad bike		Passage possible by car/4x4 off-road vehicle and large vehicle	
	Count	Percentage of PRow type	Count	Percentage of PRow type
Footpath (59 sections in sample)	23	39%	17	29%
Bridleway (10 sections in sample)	8	80%	8	80%
BOAT (1 section in sample)	1	100%	1	100%
RUPP (generally restricted byway) (5 sections in sample)	4	80%	4	80%
All PRowS (75 sections in sample)	36	48%	30	40%

### 3.4.8 Assessment of the level of all MPV use whether legal or not

The level of all use by MPVs, whether legal or not, was assessed for each of the sampled PRow sections on the following basis:

- A PRow section with no evidence of use by a given vehicle type was described as none. Where a route was obstructed to use by an MPV type or where the surface condition indicated that there had been no MPV use, a return of none was recorded;
- A PRow section with limited evidence of use by a given vehicle type was scored as low. This evidence included faint tyre marks indicating occasional use;
- A PRow section with good evidence of use by a given vehicle type was scored as moderate. This included PRowS with clear tracks;
- A PRow section with high evidence of use by a given vehicle type was scored as 4. This included all PRowS which could be passed by cars/4x4 off-road vehicles and larger vehicles and which were hard surfaced. It also included PRowS with well-worn vehicle tracks.

All MPV use that passed **along** the PRow was included in this assessment whether legal or not. The following MPV use was excluded from the assessment:

- Where, in the course of agriculture or land management, a MPV crossed the PRow section. This would include, for example a farmer ploughing arable land or spreading fertiliser on pasture;
- In one case, the PRow ran along a paved footway adjoining a road. Motor vehicles used this footway for parking but did not drive along the PRow.

**Figure 3.4** below gives examples of how the level of MPV use was assessed for typical PRow sections.

The level of MPV use assessed for the sample as a whole is summarised in **Table 3.7**. Applying a simple significance test at the 95% confidence limit, the range within which the level of use by motorcycles has been assessed as zero is 54.5 (73%) to 65.5 (87%).





In broad terms it appears that:

- Motorcycle use at a high or moderate level is only present on a very small proportion of the PRow network, probably 5% at most;
- Quad bike use at a high or moderate level is only present on a very small proportion of the PRow network, probably much less than 5%; and
- Use by car/4X4 off-road vehicle and large vehicle is present on a much larger proportion of the network but much of this can be explained by PRowS which follow access drives to farms, dwellings and, occasionally, other built development.

**Table 3.7: The level of all MPV use, both legal and illegal, assessed as present on surveyed PRow sections by vehicle type**

Vehicle Type	High		Moderate		Low		None	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Motorcycle	1	1%	1	1%	13	17%	60	80%
Quad bike	1	1%	1	1%	10	13%	63	84%
Car/4x4 vehicle	11	15%	4	5%	7	9%	53	71%
Large vehicle	8	11%	9	12%	8	11%	50	67%

Figure 3.4: Examples of level of MPV use

No MPV use		<p>Footpath is only accessible to MPVs by field access and not along the PRow.</p> <p>Grass sward shows no sign of MPV use even in the form of faint tracks.</p>
Low level of MPV use		<p>Clear twin tracks suggest use by 4x4 vehicles and possibly large vehicles. Possibly some use by motorcycles and quad bikes (note faint track between two main tracks which may be quad bike use). Accessible to all types of MPV. Grass sward along route suggests low level of use by MPV.</p>
Moderate level of MPV use		<p>Clear twin tracks suggest use by 4x4 vehicles but distance between tracks suggests that use is not by large vehicles. Possibly some use by motorcycles but no real evidence of quad bikes. Accessible to all types of MPV. Tracks, shallow ruts and worn vegetation suggest moderate level of use by MPVs.</p>
High level of MPV use		<p>Deep twin ruts and tyre tracks suggest high use by 4x4 vehicles and large vehicles. Possibly some use by motorcycles. Accessible to all types of MPV but 4x4 probably essential for four wheeled vehicles except tractors.</p> <p>No vegetation and depth of ruts suggests high level of MPV use.</p>

### 3.4.9 Assessment of the level of legal use of MPVs

The assumptions have been made that:

- Use by tractors and agricultural machinery will be legal and associated with either access to property or for land management;
- Where a PRow follows a drive or road leading to a farm, dwellings or other built development and where there is no through route elsewhere that could be used for recreation, it is likely that almost all MPVs traffic will be authorised.

### 3.4.10 Assessment of the level of illegal use of MPVs

This has been assessed on the basis of the surveyed PRow sections themselves and on the basis of the apparent situation in the 2km by 2km grid square from which the surveyed sections were drawn.

Seven of the 75 surveyed PRow sections showed clear or possible evidence of illegal use by MPVs. The sections are listed in **Table 3.8** below.

**Table 3.8: Surveyed PRow sections on which illegal use of MPVs appeared to be taking place**

Grid Reference		Location	Description	Assessed illegal use of MPV	Comment
Easting	Northing				
456377	517556	Eston Moor, Cleveland	Footpath within upland moorland open to public access. Near major urban area	This section had clear evidence of illegal use including motorcycle and quad use and some 4x4 vehicle use.	There is clearly a significant problem with illegal MPV use on this PRow and in this upland public access area.
289469	132266	Draydon Knap, Exmoor	Bridleway within upland moorland open to public access. Rural area	This section had some evidence of motorcycle, quad and 4x4 vehicle use which is considered to be likely to be at least partly illegal.	While there appears to be some illegal MPV use on this PRow it does not appear to be a major problem.
392467	365812	Bosley Reservoir, Peak District	Footpath on wooded bank of upland reservoir. Rural area	This section had limited evidence of motorcycle use which is unlikely to be authorised.	While there appears to be some illegal MPV use on this PRow it does not appear to be a major problem.



**Table 3.8 (continued)**

<i>Grid Reference</i>		<i>Location</i>	<i>Description</i>	<i>Assessed illegal use of MPV</i>	<i>Comment</i>
<i>Easting</i>	<i>Northing</i>				
413505	183402	Mannington Swindon	Lowland footpath linking to cycle trail on former railway line. Near major urban area	This section had limited evidence of motorcycle use and one dumped and burnt out vehicle. These are unlikely to be authorised.	While there appears to be some illegal MPV use on this PRoW it does not appear to be a major problem.
483958	192279	Sands, High Wycombe, Buckinghamshire	Urban footpath	Reports of occasional motorcycle use from the past.	Very limited illegal MPV use on this PRoW and not a significant problem.
554050	196848	Sabine's Green, Brentwood	Lowland footpath following driveway to farm. Near major urban area	Regular attempted illegal MPV use of this PRoW by motorcycles and 4x4 vehicles	Regular attempted illegal MPV use on this PRoW but controlled by landowner and not a significant problem.
282748	136571	Withypool, Exmoor	RUPP connecting two county roads	Regular use by MPVs including four wheeled vehicles. Much of the use may be legal and there may be vehicular rights	Although this PRoW is part of the Two Moors Way Long Distance Path it is not clear whether MPV use, even if it is illegal, creates a problem

On one section, Eston Moor in Cleveland, there was clearly a significant concern, as confirmed by discussion with a warden at a nearby visitor centre. On the remaining six sections the concern was small, typically infrequent and well contained.

There were two further sections where there was a possibility of illegal use but no clear evidence. Both of these sections were situated in Exmoor National Park, one along a bridleway south of Withypool, and the other second on a bridleway to the west of Exford.

**Table 3.9** summarises the extent of illegal MPV use present in the sample. Note that, although this is reported for the 10km by 10km squares, the assessment of illegal MPV use present is limited to the 2km by 2km squares from which the surveyed PRoW sections were drawn rather than the 10km by 10km square as a whole.

In 10 of the 21 areas, no evidence was found for the illegal use of MPVs on PRoWs or in public access areas. In eight areas there was limited evidence while in one area there appeared to be



moderate use. In one, there was a high level of use by MPVs although it was not possible to conclude that the level of illegal use of PRoWs was high. In only one area did we find a level of use that was clearly high and that could, with reasonable certainty, be characterised as illegal. However, even in that area the illegal use appeared to be local to specific public access areas on upland.

**Table 3.9: Illegal use of MPVs apparently present within the sample**

<i>Area reference</i>	<i>Location</i>	<i>Description</i>	<i>Assessed illegal use of MPV</i>	<i>Comment</i>
AB24	Settle, North Yorkshire	Upland/lowland fringe area with livestock farming and scattered settlements	Low - limited evidence of motorcycles.	Most footpaths not capable of use by MPVs of any kind. However numerous bridleways on farm tracks capable of carrying MPVs.
AC46	Malvern and Severn Valley, Worcestershire	Lowland river valley dominated by mixed livestock and arable farming. Some camping and caravanning site and readily accessible by motorway.	Low - very limited evidence of occasional illegal use of PRoWs by motorcycles.	There is no evidence of a significant problem with illegal MPV use on PRoWs or open land in this area. Very few sections of PRoW are capable of use by MPVs.
AD34	Congleton, Staffordshire	Enclosed upland with livestock farming. Part of Peak District National Park	Low - very limited evidence of occasional illegal use of PRoWs by motorcycles.	There is no evidence of a significant problem with illegal MPV use on PRoWs or open land in this area. Many sections of PRoW, particularly footpaths, are not capable of use by MPVs.
AF41	Sutton Coldfield, West Midlands	Lowland metropolitan fringe dominated by arable farmland and urban development.	Low – evidence of illegal use of PRoWs limited to parking of cars on roadside footway followed by PRoWs.	There is no evidence of a significant problem with illegal MPV use on PRoWs. Many sections of PRoW, particularly footpaths, are not capable of use by MPVs.

Table 3.9 (continued)

<i>Area reference</i>	<i>Location</i>	<i>Description</i>	<i>Assessed illegal use of MPV</i>	<i>Comment</i>
AF52	Swindon, Wiltshire	Lowland urban fringe dominated by urban development.	Low –evidence of illegal use of PRowS limited to dumping of burnt out vehicle and possible occasional motorcycle.	There is no evidence of a significant problem with illegal MPV use on PRowS. Many sections of PRow, particularly footpaths, are not capable of use by MPVs.
AI25	Knaresborough, North Yorkshire	Lowland arable farmland	None – no evidence of illegal use of PRowS by MPVs.	Area not likely to be attractive for recreational MPV use.
AJ19	Middlesbrough, North Yorkshire	Mix of upland and Lowland metropolitan fringe dominated by arable farmland and urban development. Part of North York Moors National Park	High illegal use of motorcycles, quad bikes and some 4X4 vehicles in public access areas, including woodland and upland. None on lowland arable farmland.	There is potential for illegal MPV use for recreation on unobstructed PRowS across open upland.
AK36	Arnold and Carlton, Nottinghamshire	Lowland urban fringe dominated by agriculture	None - no evidence of illegal use by MPVs	There is no evidence of a significant problem with illegal MPV use on PRowS by MPVs. PRowS obstructed or partially obstructed to MPVs.
AM51	Chiltern Hills, Buckinghamshire	Lowland, mix of agriculture, woodland and residential developments. Part of the Chilton Hills AONB	Low - very limited evidence of illegal use of motorcycles	There is no evidence of a significant problem with illegal MPV use on PRowS. Some evidence of past use but no longer seen as a problem.

Table 3.9 (continued)

<i>Area reference</i>	<i>Location</i>	<i>Description</i>	<i>Assessed illegal use of MPV</i>	<i>Comment</i>
AM61	Selsey and Bognor, West Sussex	Lowland coastal area dominated by residential development, arable farming and wildlife reserves.	Low - very limited evidence of illegal use of PRowS by MPVs, probably cars, but confined to PRowS following farm tracks.	There is no evidence of a significant problem with illegal MPV use on PRowS or public access areas. The Pagham Harbour reserve is well warded and the local beaches are pebbles and have numerous groynes both of which make MPV use difficult.
AP29	Immingham, North East Lincolnshire	Lowland river valley dominated by agricultural land and dotted with small settlements	Moderate – clear evidence of illegal use of some PRowS by MPVs	Some evidence of motorcycles using a PRow (footpath) running around perimeter of housing estate and into adjoining fields and accessing disused quarry.
AQ46	Biggleswade, Cambridgeshire and Bedfordshire	Lowland agricultural land, dotted with small settlements	None - limited evidence of illegal use of PRowS by MPVs	Located between Bedford and Cambridge, high potential for recreational use. PRow access potentially available to all MPVs.
AT51	Brentwood, Essex	Lowland, metropolitan fringe, dominated by agriculture	Low – limited evidence of use by motorcycles and 4x4 vehicles	There is a TRO present on one PRow. PRow either obstructed or partially obstructed to MPVs. Some PRowS used for farm access.
AV57	Weald, Kent	Lowland, dominated by agriculture and woodland. Part of High Weald AONB	None - no evidence of illegal use by MPVs	Potential draw for recreational MPV use. PRowS obstructed or partially obstructed to MPVs.
D68	Lands End, Cornwall	Coastal, agricultural land. Part of Cornwall AONB and a SSSI	None - no evidence of illegal use by MPVs	Potential draw for recreational MPV use. Most access obstructed to MPVs.

Table 3.9 (continued)

Area reference	Location	Description	Assessed illegal use of MPV	Comment
J49	Haverfordwest, Pembrokeshire	Lowland, river valley dominated by agricultural land. Includes urban area of Haverfordwest	None – no evidence of illegal use of PRowS by MPVs	There is no evidence of a significant problem with illegal MPV use on PRowS. Many PRowS obstructed to MPV use.
R43	Devils Bridge, Ceredigion	Upland, dominated by pastoral farmland and woodland	None - limited evidence of illegal use of PRowS by MPVs	Some evidence of motorcycle use off PRowS. PRowS obstructed or partially obstructed to MPVs.
S57	Exmoor, Somerset	Upland, agricultural and common land. Part of Exmoor National Park and includes SSSI	High use by 4x4 and large vehicles but legality unclear. Possibly low to moderate illegal use by motorcycles and quad bikes	There is high potential for illegal recreational use but it was not clear whether existing MPV use was illegal or authorised as some PRowS were clearly used for farm access.
V38	Llanrhaedr-ym-Mochnant, Powys	Upland, agricultural land	None - no evidence of illegal use by MPVs	PRowS unlikely to be used by MPVs. Remote and rural area.
X55	Bleadon, Somerset	Lowland coastal area dominated by residential development, and arable farming	None - no evidence of illegal use by MPVs	There is no evidence of a significant problem with illegal MPV use on PRowS.
Z14	Brampton, Cumbria	Mix of upland and lowland agricultural land and residential development	None – no current evidence of illegal use by MPVs	There is no evidence of a significant problem with illegal MPV use on PRowS. Some evidence of past motorcycle use

#### Motorcycle use

There was no evidence of any motorcycle use, whether legal or illegal, on 80% of the surveyed PRow sections; there was evidence for a low level of use on a further 13%. The only location on which a high level of illegal motorcycle use was assessed was a footpath on Eston Moor, Cleveland. This assessment was based on both direct visual evidence and supporting anecdotal information provided by staff at a nearby visitor centre.

The surveyed footpath at Eston Moor, Cleveland provided no access to buildings and was part of a network of PRowS and open access moorland over which there was reportedly frequent use by illegal motorcyclists and quad bikes from local residential areas. Policing of the area

and the use of 'horse stiles' has led to a number of seizures under the Police Reform Act 2002, which was starting to reduce the scale of the problem.

#### *Quad bike use*

There was no evidence of any quad bike use, whether legal or illegal, on 84% of the surveyed PRow sections; there was possible evidence for a low level of use on a further 12%. The only location on which clear evidence of illegal use of quad bikes was found was again the footpath on Eston Moor, Cleveland where a comparatively high level of use was reported.

#### *Use of cars and 4x4 vehicles*

There was no evidence of any car or 4x4 vehicle use, whether legal or illegal, on 71% of the surveyed PRow sections; there was evidence for a low level of use on 9% of surveyed sections and a moderate level of use on 5% of surveyed sections. On 15% of the surveyed PRow sections there was evidence for a high level of use by cars or 4x4 vehicles but almost all of this use is likely to be authorised as these sections were used for access to farm dwellings or other dwellings.

No firm evidence could be found for illegal use of cars or 4x4 vehicles on any of the surveyed PRow sections although on one section, at Withypool, Exmoor, there appeared to be the possibility of illegal use by MPVs.

#### *Large Vehicles*

There was no evidence of any large vehicle use on 67% of the surveyed PRow sections; on 23% of sections the level of use was assessed as low or moderate, and a high level of use on 11%.

Most use by large vehicles appeared likely to be by tractors and agricultural machinery for land management. Illegal use by large vehicles is not likely to be for recreational purposes and the main potential is where fly tipping is taking place. None of the surveyed PRow sections showed evidence of fly tipping and it is likely that most, if not all, of the large vehicle use was authorised.

#### *3.4.11 Legal or authorised use of PRowS by MPVs*

For all of the surveyed PRow sections the assessed level of all MPV use has been reviewed with the other background information, notably the data on whether the PRow provides access to property, to decide whether and to what extent the MPV use is likely to be legal.

### **3.5 Overall findings of the national survey**

The sample taken, while small in relation to the overall population of PRowS, is sufficient to allow broad conclusions to be drawn with reasonable statistical reliability at England and Wales level. The sample sections are on upland (28%), lowland (67%) and coastal land (5%) and include all of the main types of PRow, i.e. footpaths (79%), bridleways (13%), BOAT (1%) and restricted byways (7%). Key findings are that:

- Some 51% of the PRow network was found to be not available to passage by any kind of MPV because of obstruction. Applying 95% confidence limits gives a range of reliability of 45% to 56%. Despite the relatively small sample, there is confidence that a large part of the PRow network is not available to MPV use because passage is obstructed. The proportion of footpaths not available to passage by any kind of MPV because of obstruction is higher (59%) and the presence of stiles is a particular deterrent to MPV use.

- PRowS that provide access to dwellings or which follow drives leading to dwellings, most often farm dwellings, are generally unobstructed although they are sometimes gated. Where these gates are unlocked they have been regarded as a partial obstruction.
- For the surveyed PRow sections passage by some MPVs was possible along 48% of the sample but this fell to 40% for 4x4 vehicles and large vehicles. This appears to preclude use of much of the PRow network by MPVs. On footpaths which tend to be narrow and often have stiles, passage is less likely to be possible than on bridleways and byways. Most bridleways and restricted byways, being capable of passage by a mounted equestrian, are likely to be passable by a motorcycle except where they are too steep or rugged. BOATs are likely to be capable of passage by most MPVs, the main constraints being their size and rough terrain ability.
- Much of the use of PRowS by MPVs appeared likely to be legal and connected with land management or access to dwellings.
- Some evidence was found for illegal motor vehicle use, generally by motorcycles and quad bikes but with the possibility of some illegal use by 4x4 vehicles. However, it appears that this affects only a small part of the PRow network, almost certainly less than 5%, and that more serious problems are localised.

# SURVEY OF LOCAL HIGHWAY AUTHORITIES AND NATIONAL PARK AUTHORITIES

## 4 Survey of Local Highway Authorities and National Park Authorities

### 4.1 Introduction

As part of the research, a questionnaire survey was undertaken of all Local Highway Authorities and all National Park Authorities in England and Wales. Local highway authorities (LHAs), typically county councils or unitary authorities, are usually the surveying authorities for PRoWs and are responsible for the management and maintenance of the PRoW network. It was felt that LHA PRoW officers would be aware of concerns raised by the illegal use of MPVs on PRoWs and off-road in the countryside generally. NPAs are not the surveying authorities for PRoWs but often have delegated powers in relation to PRoWs and clearly have an interest in any concerns raised by the illegal off-road use of MPVs. It was decided that the best way of tapping the experience of LHAs and NPAs in this area was by a questionnaire survey of all LHAs and NPAs in England and Wales. At the same time we sought their views on the topic.

The principal objectives of the LHA/NPA questionnaire surveys were to determine in broad terms the LHA/NPA perspective on:

- The extent of the illegal MPV use in England and Wales;
- The principal impacts of illegal MPV use on legitimate users of PRoWs, local residents, the condition of PRoWs and on nature conservation;
- The factors associated with illegal use;
- The characterisation of illegal users;
- The effectiveness of measures to combat illegal use;
- The locations where illegal use is present in England and Wales in sufficient detail to allow identification of case study sites; and
- Any existing studies, reports and databases on illegal use which might be useful to the research.

Because the legal powers of NPAs differ from those held by LHAs the NPA questionnaire was adapted to reflect this.

The questionnaires were distributed to LHAs and NPAs in April 2006. It should be noted that this was before the provisions of the NERC Act relating to RUPPs and restricted byways came into force. In general their responses should be regarded as relating to the pre-NERC Act situation although in practice most PRoWs and most public access areas in the countryside are not affected by the Act.

There are some LHAs that were not required to survey PRoWs when the National Parks and Access to the Countryside Act 1949 first came into force. As a result they either do not have a definitive map of PRoWs or only have one covering areas which have been brought within their boundaries. However, irrespective of this, all LHAs were surveyed.

### 4.2 Questionnaire survey methodology

LHAs were telephoned to identify the most relevant point of contact. All LHAs were invited to participate even if they did not have concerns over illegal MPV use or a significant PRoW network. Prior to the main survey, the questionnaire was piloted with two LHAs to ensure that the questions were clear. The full LHA and NPA questionnaires are included in **Appendix 4.1**. It was regarded as essential that both LHAs and NPAs could identify areas where there were concerns over the illegal use of PRoWs by MPVs. To enable this, questionnaires were accompanied by hard copy maps on which specific sites could be marked. Wherever possible, the questionnaire itself was sent out both electronically by email and as a hard copy.



Analysis was mainly on a descriptive basis, although the aim was to produce quantitative data from the questionnaires where possible. In particular, we wanted to try to identify the broad factors which are associated with illegal MPV use.

The descriptive analysis provided information on the:

- Principal impacts of illegal use;
- Types of vehicles predominantly used;
- Characterisation of users, in particular age;
- Geographical distribution; and
- Methods of control/management.

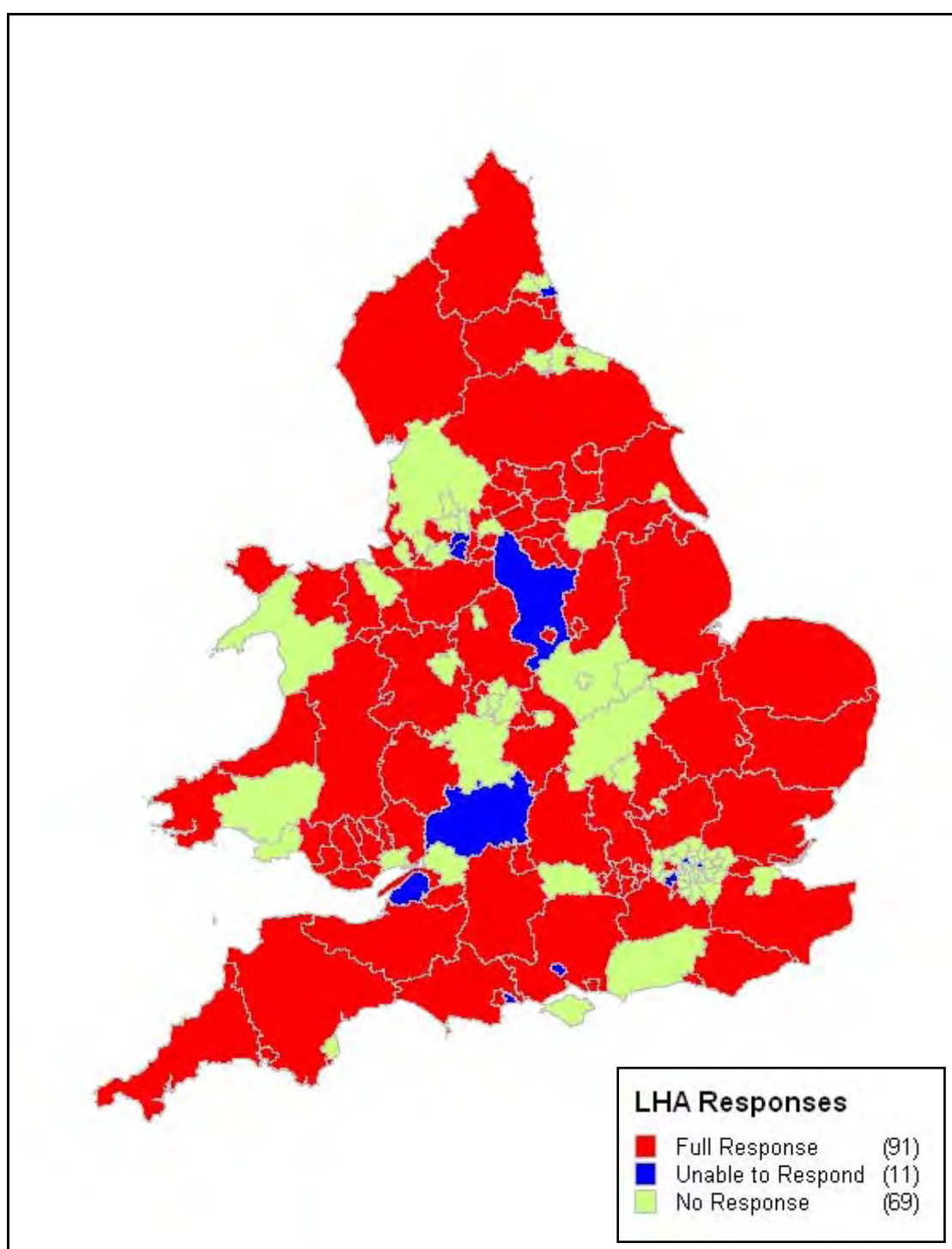
The analysis of the datasets for LHAs and NPAs was undertaken separately.

### 4.3 Response to the questionnaire survey

**Table 4.1** indicates the response rate for LHAs and NPAs. The responses from LHAs are mapped in **Figure 4.1**. All of the NPAs responded except for the Broads Authority (which, for the purposes of the study, is regarded as a NPA). The new and prospective National Parks, the New Forest and South Downs respectively, are not included.

**Table 4.1: Responses to questionnaire survey of LHAs and NPAs**

<i>Authorities</i>		<i>Number of authorities surveyed</i>	<i>Number of full responses received</i>	<i>% response rate</i>
LHA – England	County councils	34	27	79%
	Unitary authorities	46	25	54%
	Metropolitan districts	36	20	56%
	London boroughs	33	2	6%
	All	149	74	50%
LHA - Wales		22	17	77%
NPA - England		8	7	88%
NPA - Wales		3	3	100%
LHA – England and Wales		171	91	53%
NPA – England and Wales		11	10	91%

**Figure 4.1: LHA response rate to questionnaire survey**

The response rate for county councils, which cover most rural areas in England, was good, although there are some gaps. The response from the unitary authorities in Wales and the NPAs in both England and Wales was good. We would expect that authorities who perceive that illegal use of MPVs is a major or moderate concern in their area are probably more likely to have responded to the survey.

The response from unitary authorities and from London boroughs in England was relatively low.

Some authorities indicated that they were unable to respond citing:

- Pressure of other work;
- An unwillingness to put their views in writing; and
- A lack of concern about the illegal use of MPVs in their area.

The response to the survey is sufficient to draw sound conclusions in conjunction with the other elements of the research. In this chapter, we focus on reporting the results of the surveys. The following survey results are based on LHAs and NPAs that responded in full to the questionnaire. The reporting generally includes separate analysis of the LHA and NPA responses. For LHAs we have included separate analysis of some responses by type of authority and for England and Wales. This has not been done for all questions as we believe that this would have been confusing to the reader and would not have added to the overall understanding of the issues. This is particularly true where the responses are reported in the form of graphs.

## 4.4 Survey results

### 4.4.1 *Awareness of illegal Use of MPVs on PRoWs*

Authorities were asked how aware they were of illegal MPV use in their areas. **Table 4.2** summarise the responses of LHAs and NPAs in respect of their awareness of illegal MPV use on PRoWs and on public access areas within their boundaries.

**Table 4.2: Awareness of LHAs and NPAs of illegal use of motor vehicles on PRoWs and public access areas**

Authorities		Public rights of way				Public access areas*			
		Aware of illegal motor vehicle use		Not aware of illegal motor vehicle use		Aware of illegal motor vehicle use		Not aware of illegal motor vehicle use	
		Count	%	Count	%	Count	%	Count	%
LHA – England	County councils	25	93%	2	7%	22	81%	5	19%
	Unitary authorities	22	88%	3	12%	18	72%	7	28%
	Metropolitan districts	20	100%	0	0%	15*	75%	3*	15%
	London boroughs	1	50%	1	50%	1	50%	1	50%
	All	68	92%	6	8%	56*	76%	16*	22%
LHA - Wales		15	88%	2	12%	17	100%	0	0%
NPA - England		7	100%	0	0%	7	100%	0	0%
NPA - Wales		3	100%	0	0%	3	100%	0	0%
LHA – England and Wales		83	91%	8	9%	73*	80%	16*	18%
NPA – England and Wales		10	100%	0	0%	10	100%	0	0%

\*Note: Two metropolitan district authorities did not provide a response to this question

The proportion of respondents who indicated that they were aware of illegal motor vehicle use on PRoWs was extremely high, with 100% of NPA and 90% of LHA respondents being aware that there was some illegal use of MPVs within the area covered by their authority.

The proportion of respondents indicating illegal use on land to which the public has access was slightly lower, with 81% of LHA respondents reporting use on public access areas. 100% of NPA were aware of illegal use on public access areas.

As a whole, awareness is high for all LHAs in England except London boroughs. The low response rate from London boroughs may indicate that illegal use of motor vehicles on PRoWs and green spaces is not a big issue in London. The returns from Wales do not indicate that the level of awareness is significantly different from England.

#### 4.4.2 Understanding of the legal position regarding the use of motor vehicles on PRoWs and public access areas

**Table 4.3** summarises the understanding of the legal position regarding the use of motor vehicles on PRoWs and on public access areas. Where authorities responded that their knowledge was partial or limited, in all cases this was in respect of their understanding of the enforcement powers available against the illegal use of motor vehicles and how these powers were, or could be, exercised by the police. 16% of LHAs in England and 12% of LHAs in Wales responded that their understanding of the legal position was partial or limited. 81% of

responding LHAs and 100% of responding NPAs in England and Wales stated that they had a good understanding of the legal position.

**Table 4.3: Claimed understanding of LHAs and NPAs of the legal position regarding the use of motor vehicles on PROWs and public access areas**

Authorities		Understanding of legal position*				Understanding of measures to enforce the law**			
		Good		Partial or limited		Good		Partial or limited	
		Count	%	Count	%	Count	%	Count	%
LHA – England	County councils	27	100%	0	0%	26	96%	1	4%
	Unitary authorities	20	80%	5	20%	16	64%	9	36%
	Metropolitan districts	12*	60%	7*	35%	11	55%	9	45%
	London boroughs	2	100%	0	0%	2	100%	0	0%
	All	61*	82%	12*	16%	55	74%	19	26%
LHA – Wales		13*	76%	2*	12%	12**	71%	3**	18%
NPA – England		7	100%	0	0%	5	71%	2	29%
NPA – Wales		3	100%	0	0%	3	100%	0	0%
LHA – England and Wales		74*	81%	14*	15%	67**	74%	22**	24%
NPA – England and Wales		10	100%	0	0%	8	80%	2	20%

\*Note: Three questionnaire responses did not provide an answer, two Welsh LHAs, and one metropolitan district

\*\* Two questionnaire responses did not provide an answer, both Welsh LHAs

Generally, respondents felt that their understanding of the legal position regarding the use of motor vehicles on PROWs and public access land was more comprehensive than their understanding of measures to enforce the law. A good understanding of the legalities regarding use on PROWs and public access land was indicated by 81% of LHAs and 100% of NPAs, whereas 74% of LHAs and 80% of NPAs claimed to have a good understanding of the measures to enforce the law. We did not attempt to check whether this confidence was justified.

As a whole, understanding of the legal position is high for all LHAs in England. The returns from Wales do not indicate that the level of understanding is significantly different from England.

#### 4.4.3 Formal records of complaints or incidents of illegal motor vehicle activity

**Table 4.4** summarises the responses about maintaining a formal record of reports of complaints/incidents of the illegal use of MPVs in the previous 12 months. 80% of responding NPAs kept a formal record of illegal use of MPVs while a much lower level of responding LHAs,

36%, kept such a record. The proportion of LHAs in Wales (18%) who maintained formal records of complaints or incidents appeared to be significantly lower than in England (41%).

**Table 4.4: LHAs and NPAs maintaining a formal record of reports of complaints or incidents of illegal MPV use on PRowS and public access areas**

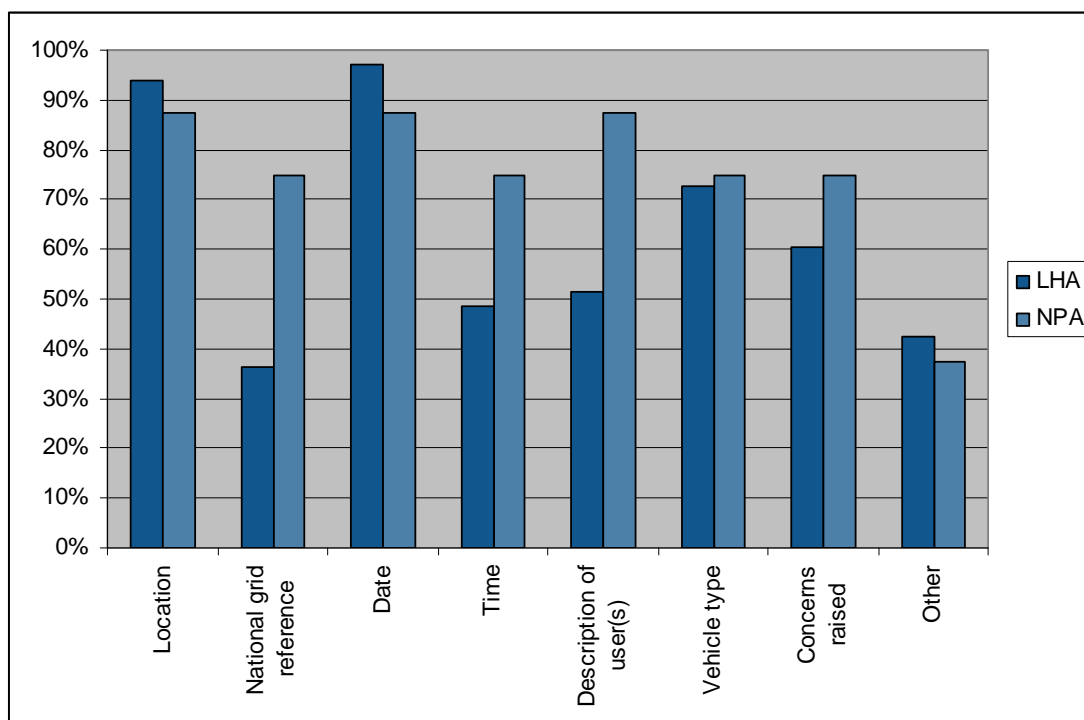
Authorities		Maintain a complaints/incident record maintained*			
		Yes		No	
		Count	Percentage	Count	Percentage
LHA – England	County councils	10*	37%	16*	59%
	Unitary authorities	12*	48%	11*	44%
	Metropolitan districts	7	35%	13	65%
	London boroughs	1	50%	1	50%
	All	30*	41%	41*	55%
LHA - Wales		3	18%	14	82%
NPA - England		6	86%	1	14%
NPA - Wales		2	67%	1	33%
LHA – England and Wales		33*	36%	55*	60%
NPA – England and Wales		8	80%	2	20%

\*Note: Three LHAs indicated that they maintain, or can refer to, other records of illegal MPV activity:

- Durham County Council maintains a record on the County Council's land estate but does not maintain one specifically for PRowS;
- The East Riding of Yorkshire Council maintains a partial/informal record only; and
- Borough of Poole indicated that Dorset County Council Urban Heaths Partnership maintains a formal record that they are able to access.

The following analysis is based on LHAs and NPAs who maintain a formal complaints/incidents record. **Figure 4.2** below sets out the items of information on complaints/incidents held by the 33 LHAs and eight NPAs that maintained a formal record. In general, NPAs keep a more detailed record of illegal use of MPVs than LHAs. The items of information recorded most often in the records held by LHAs and NPAs are the location and date of the incident.

**Figure 4.2: Information held by LHA and NPA that indicated they maintain a complaints/incidents record**



**Table 4.5** below lists the number of complaints/incidents of illegal use of motor vehicles by authority type for authorities. The responses to the question were inconsistent with the responses to Question 3, which asked whether the authority maintained a formal record of complaints, in that:

- Ten authorities, nine LHAs and one NPA, stated that they maintained a formal record of responses but did not state how many complaints they had received in the last 12 months;
- 13 authorities, 12 LHAs and one NPA, who stated that they did not maintain a formal record of responses, were nevertheless able to state how many complaints they had received in the last 12 months.

The three LHAs who indicated that they maintain, or can refer to, other records of illegal MPV activity were able to state how many complaints they had received in the last 12 months. All authorities who responded to Question 5 (*How many complaints have you received in the last 12 months?*) have been included in **Table 4.5** irrespective of the consistency of the response with Question 3.

For a high proportion of authorities, 61% of LHAs and 63% of NPAs, the number of complaints/incidents reported was fewer than 20.

**Table 4.5: The number of complaints/incidents regarding illegal use of MPVs based on authorities that maintain a formal record of incidents**

Authorities		Number of complaints/incident per annum							
		500 plus		100 to 499		20 to 99		0 to 19	
		Count	%	Count	%	Count	%	Count	%
LHA – England	County council (14)	1	7%	2	14%	2	14%	9	64%
	Unitary authority (11)	0	0%	2	18%	3	27%	6	55%
	Metropolitan district (8)	3	38%	1	13%	3	38%	1	13%
	London borough (1)	0	0%	0	0%	0	0%	1	100%
	All (34)	4	12%	5	15%	8	24%	17	50%
LHA – Wales (3)		1	33%	0	0%	1	33%	1	33%
NPA – England (7)		1	14%	1	14%	2	29%	3	43%
NPA – Wales (2)		0	0%	0	0%	0	0%	2	100%
LHA – England and Wales (37)		5	14%	5	14%	9	24%	18	49%
NPA – England and Wales (9)		1	11%	1	11%	2	22%	5	63%

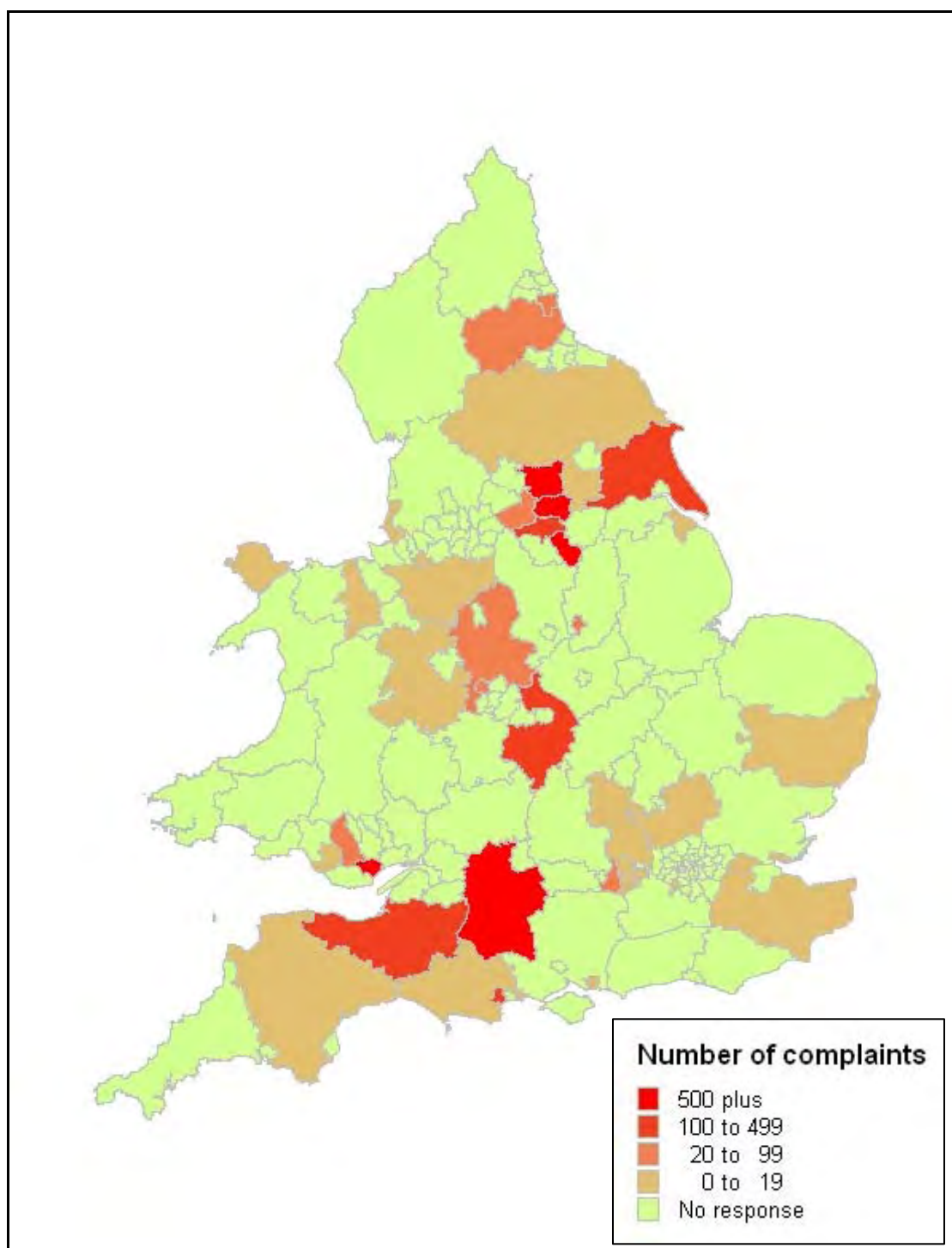


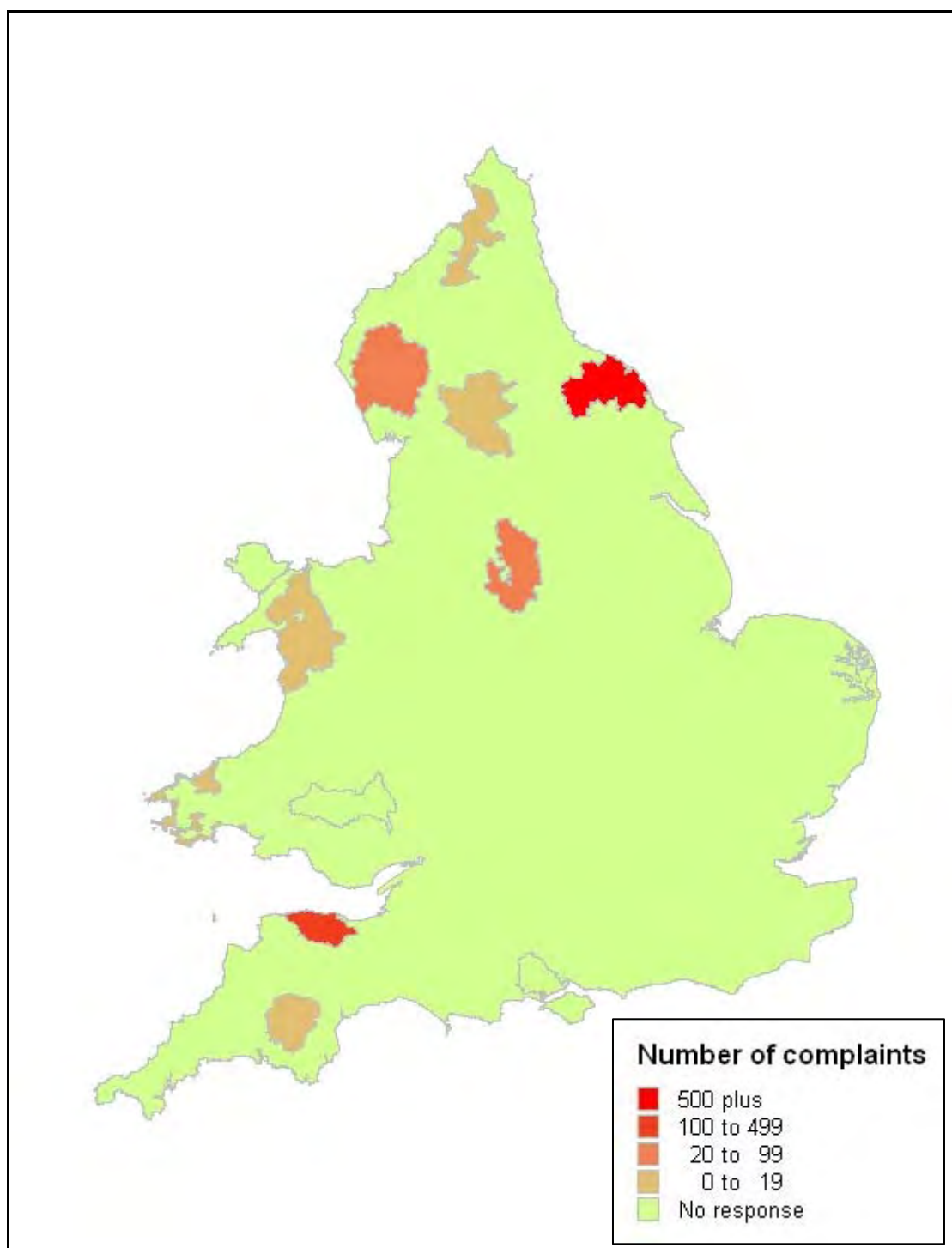
**Figure 4.3** and **Figure 4.4** show the geographic distribution of numbers of complaints/incidents for LHAs and NPAs respectively. The number recorded in the past 12 months varied substantially between authorities at different geographic locations but this needs to be treated with caution. Large numbers of complaints/incidents may simply reflect a more systematic recording system or that an authority has a large population or area. There is also the possibility that one incident may give rise to multiple complaints, all of which are recorded individually.

The fact that the majority of both LHAs and NPAs reported fewer than 20 complaints/incidents in the past 12 months suggests that the illegal use of MPVs is a widespread but low level concern. However, ten LHAs received over 100 complaints/incidents and Rotherham, Wakefield Metropolitan District Council, Wiltshire County Council, Leeds City Council and Cardiff City Council all received over 500 complaints/incidents. Amongst NPAs, the North York Moors received 850 complaints/incidents and Exmoor received 180.

It is noteworthy that:

- Four of the five areas reporting over 500 complaints/incidents are metropolitan areas or larger cities suggesting an urban dimension to the concern;
- Wiltshire can perhaps be regarded as a special case because it has the largest BOAT network of any county and thus attracts off-road MPV use which may then stray across the boundary between legal and illegal use; and
- The North York Moors has a significant network of UCRs and, as with Wiltshire, thus attracts off-road MPV use which may then stray across the boundary of legal use.

**Figure 4.3: Number of complaints/incidents reported by LHAs**

**Figure 4.4: Number of complaints/incidents reported by NPAs**

**Table 4.6** sets out whether authorities recorded an increase in complaints/incidents of illegal use of MPVs over the last 12 months. The responses show that:

- 77% of LHAs and 40% of NPAs in England and Wales did not hold sufficient records to comment on whether there was an increase or not;
- 40% of NPAs indicated that there had been no observed increase in complaints while 20% thought there had been an increase;
- 12% of LHAs thought that there had been an increase and about the same proportion (11%) thought there had been no observed increase.

In general, this does not point to significant growth in illegal use of MPVs. It should be noted that the responses relate to a period before the passing into law of the NERC Act 2006.

**Table 4.6: Changes in the number of complaints about illegal use of MPVs in the last 12 months\***

Authorities		Increase in complaints		No increase in complaints		Insufficient records to comment	
		Count	Percent	Count	Percent	Count	Percent
LHA – England	County councils (27)	2	7%	3	11%	22	81%
	Unitary authorities (25)	5	20%	5	20%	15	60%
	Metropolitan districts (20)*	4	20%	2	10%	14	70%
	London boroughs (2)	0	0%	0	0%	2	100%
	All (74)	10	14%	9	12%	55	74%
LHA – Wales (17)		1	6%	1	6%	15	88%
NPA – England (7)		2	29%	3	43%	2	29%
NPA – Wales (3)		0	0%	1	33%	2	67%
LHA – England and Wales (91)		11	12%	10	11%	70	77%
NPA – England and Wales (10)		2	20%	4	40%	4	40%

\*Note 1: 1 NPA, 38 English LHAs and 11 Welsh LHAs did not provide a response to this question.

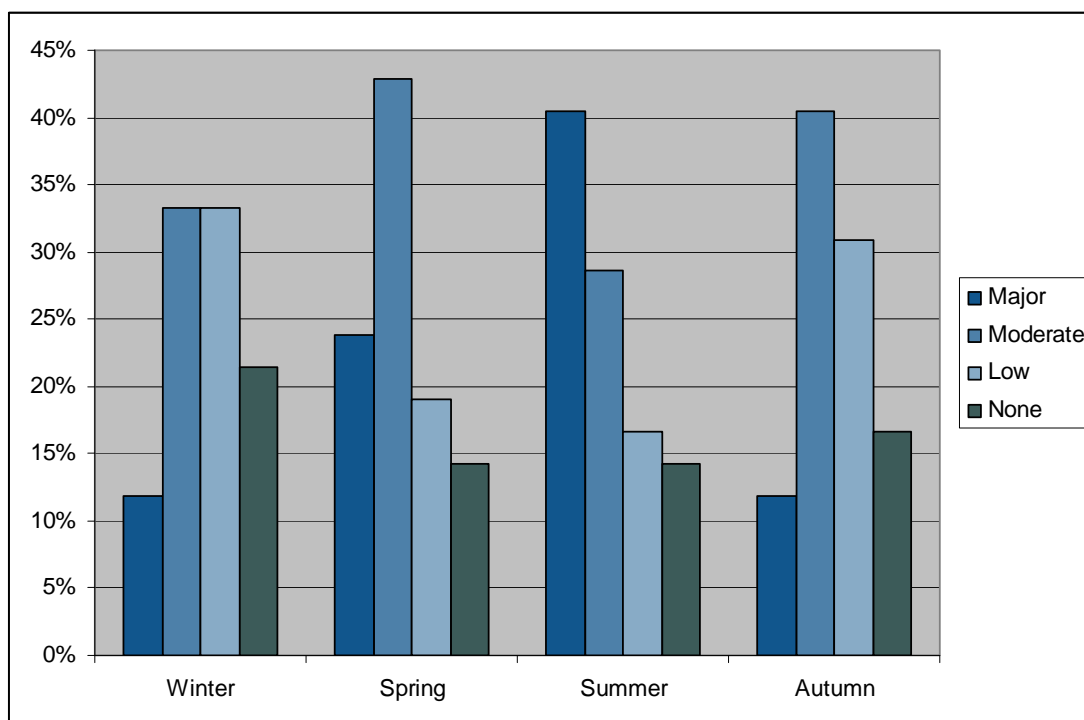
\*Note 2: In broad terms this is for the 12 months to April 2006.

When invited to comment further, several authorities highlighted increasing reluctance among the public to report incidents of illegal use as the result of disillusionment with the enforcement process. A reduction in recorded complaints or incidents may therefore result from this increased reluctance rather than any reduction in the frequency of incidents. In contrast, an increase in records of complaints or incidents may arise from increased willingness to complain, possibly as a result of community policing initiatives, rather than any increase in the frequency of incidents. The level of complaints needs to be treated with caution as an indicator of the level of illegal use of MPVs.

#### 4.4.4 Seasonal pattern of illegal MPV activity

For LHAs that kept complaints/incidents records, **Figure 4.5** summarises the level of illegal use of MPV activity by season based on their records. It was suggested that the highest level of illegal MPV use on the basis of LHA records occurred during the summer months (July to September) with 40% of responding LHAs stating that the level of use was 'major'. This was followed by spring (April to June), 24% stating use to be 'major'. For both autumn (October to December) and winter (January to March) only 12% of responding authorities said there was major activity in those seasons. It appears that winter is the season with the least illegal use of MPVs, with 21% of LHAs indicating no activity and 33% indicating low activity.

**Figure 4.5: Frequency of level of illegal use of MPVs by season for LHAs in England and Wales who maintained complaints/incident records (42 LHAs responding)**

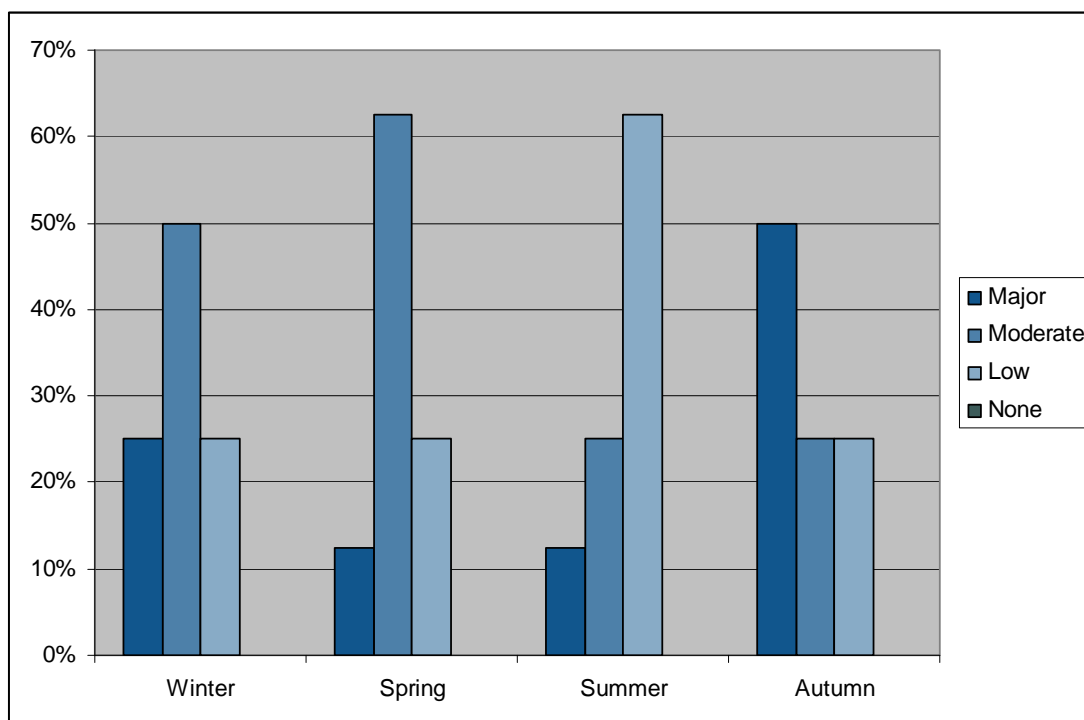


*Note: This table relied on the qualitative judgement of LHAs as to what was considered to be a major, moderate or low level of illegal use of MPVs*

For NPAs that kept complaints/incidents records, **Figure 4.6** summarises the level of illegal use of MPV activity by season based on their records. This shows a somewhat different pattern to the LHA responses. The highest level of illegal MPV use occurred during the autumn months with 50% of responding NPAs indicating the level of MPV use as 'major'. This was followed by winter at 25%, and 12.5% for both spring and summer. Of the eight NPA that responded, all reported some level of activity at all times of year. While we would hesitate to draw too much from this data, possible explanations are that:

- The activity reported by LHAs is mainly illegal use of MPVs on the urban fringe, perhaps mainly by young people, which increases in summer as the length of daylight increases and the weather improves;
- The activity in the NPAs is by MPV users who know they will not be welcome in summer and, with fewer other visitors in winter, feel that they can be more active. The challenge of driving in winter conditions may also be a factor.

**Figure 4.6: Frequency of level of illegal use of MPVs by season for NPAs in England and Wales who maintained complaints/incident records (8 NPAs responding)**



*Note: This table relied on the qualitative judgement of NPAs as to what was considered to be a major, moderate or low level of illegal use of MPVs*

#### 4.4.5 Frequency of complaints/observations of illegal MPV activity

For LHAs that kept complaints/incidents records, **Table 4.7** summarises the frequency with which they were made aware of illegal use of MPVs. 41% of LHAs in England and Wales suggested illegal use of MPVs on most days or at least once a week. 60% of NPAs in England and Wales noted illegal MPV activity on most days or at least once a week or at least once a fortnight.

Looking at all responding LHAs in England and Wales, the most common frequency of complaints received was “at least once a week” (32% in England and 35% in Wales). It appears that NPAs in England were made aware of illegal MPV activity more often than NPAs in Wales.

This general pattern of the frequency of illegal MPV activity suggests that there are hotspot areas where reports are a daily occurrence, 9% of LHAs and 20% of NPAs. Elsewhere there are many areas, 29% of LHAs and 20% of NPAs, where the level of reporting is less frequent, i.e. less than once a month. Most LHAs and NPAs (63% and 60% respectively) reported levels between these extremes.

**Table 4.7: Frequency of records of illegal use of MPV activities by LHAs and NPAs**

<i>Authorities</i>		<i>Most days</i>		<i>Once a week</i>		<i>Once a fortnight</i>		<i>Once a month</i>		<i>Less Frequent</i>	
		<i>Count</i>	<i>Percentage</i>	<i>Count</i>	<i>Percentage</i>	<i>Count</i>	<i>Percentage</i>	<i>Count</i>	<i>Percentage</i>	<i>Count</i>	<i>Percentage</i>
LHA – England	County councils (27)	2	7%	10	37%	2	7%	3	11%	10	37%
	Unitary authorities (25)	2	8%	5	20%	4	16%	7	28%	7	28%
	Metropolitan districts	3	15%	9	45%	1	5%	4	20%	3	15%
	London boroughs (2)	0	0%	0	0%	1	50%	0	0%	1	50%
	All (74)	7	9%	24	32%	8	11%	14	19%	21	28%
LHA – Wales (17)		1	6%	6	35%	2	12%	3	18%	5	29%
NPA – England (7)		2	29%	1	14%	2	29%	1	14%	1	14%
NPA – Wales (3)		0	0%	0	0%	1	33%	1	33%	1	33%
LHA – England and Wales (91)		8	9%	30	33%	10	11%	17	19%	26	29%
NPA – England and Wales (10)		2	20%	1	10%	3	30%	2	20%	2	20%

#### 4.4.6 Location of illegal MPV use

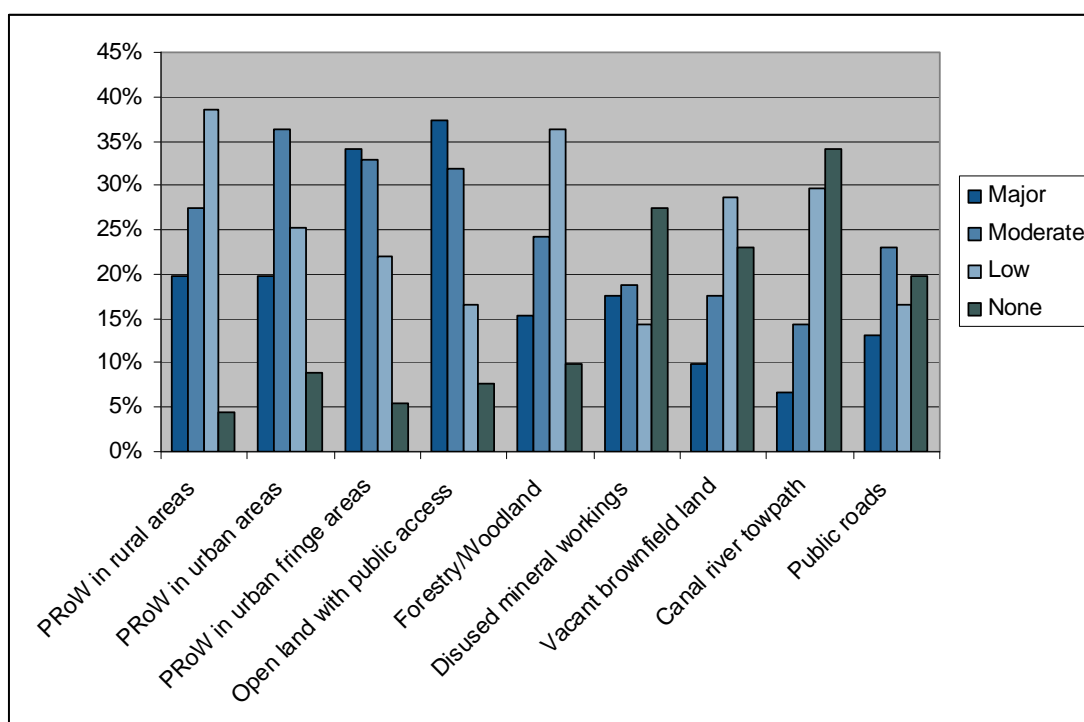
LHAs and NPAs were asked about the location of illegal MPV use irrespective of whether they maintained complaints or incident records. The responses to this question are thus based on the qualitative judgement of the respondents. **Figure 4.7** and **Figure 4.8** indicate the location and severity of illegal use of MPVs as reported by LHA and NPA respectively. It is recognised that not all of the types of location, for example canal and river towpaths, will be present in all areas.

Areas where LHAs thought that the illegal use of MPVs was a major problem were:

- open land with public access (37% of LHA responses);
- PRoWs in urban fringe areas (34% of LHA responses);
- PRoWs in rural areas (20% of LHA responses); and
- PRoWs in urban areas (20% of LHA responses).

Note that open land with public access includes parks, common land and access land under the CRow Act.

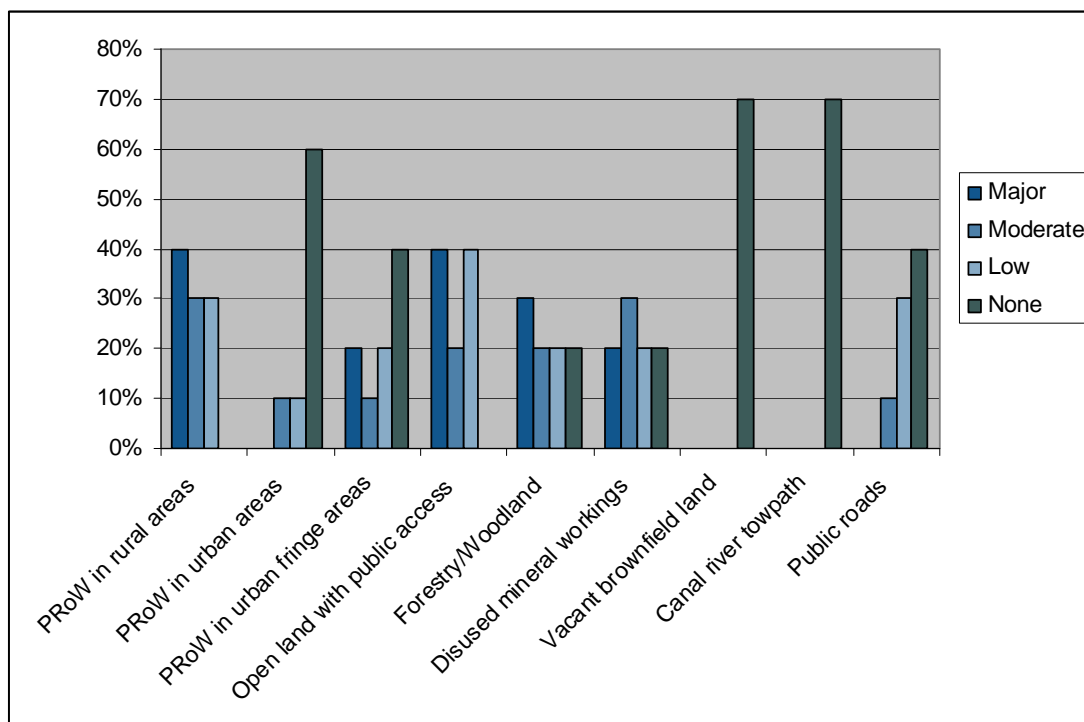
**Figure 4.7: Location and frequency of illegal MPV use as indicated by LHA across England and Wales**



Areas where NPAs thought that the illegal use of MPVs was a major concern were:

- PRoWs in rural areas (40% of NPA responses);
- open land with public access (40% of NPA responses);
- forestry/woodland (30% of NPA responses);
- PRoWs in urban fringe areas (20% of NPA responses); and
- disused mineral workings (20% of NPA responses).

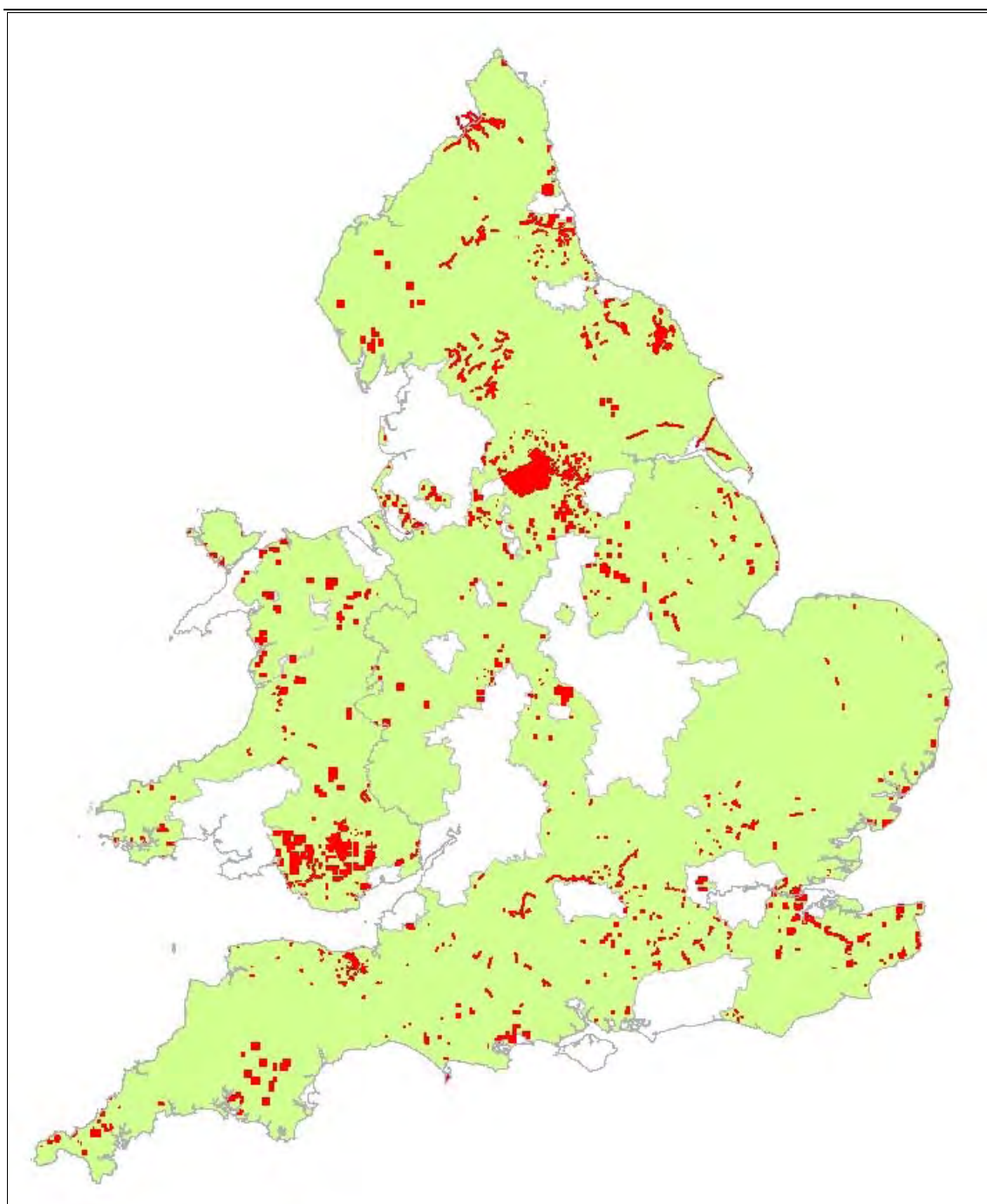


**Figure 4.8: Location of illegal MPV use as indicated by NPA across England and Wales.**

Respondents were invited to highlight any hotspots of activity within the area under their jurisdiction and mark these on a map. The distribution of these sites is displayed in **Figure 4.9**. Interpretation of this data is difficult but the following broad observations can be made:

- Hotspots are widely distributed across England and Wales;
- There are some areas of the country which are relatively free of hotspots, for example much of East Anglia Pembrokeshire;
- There are particular concentrations in the South Wales Valleys, West Yorkshire, the North East and Merseyside;
- Some of the hotspots appear to be associated with upland, for example Dartmoor, The Pennines, North York Moors, North Downs, Quantock Hills and in Wales; and
- Some of the hotspots appear to be within or to adjoin urban areas, for example the South Wales Valleys, West Yorkshire, Merseyside and the Midlands.

**Figure 4.9: Location of hotspots indicated by LHA and NPA questionnaire responses**

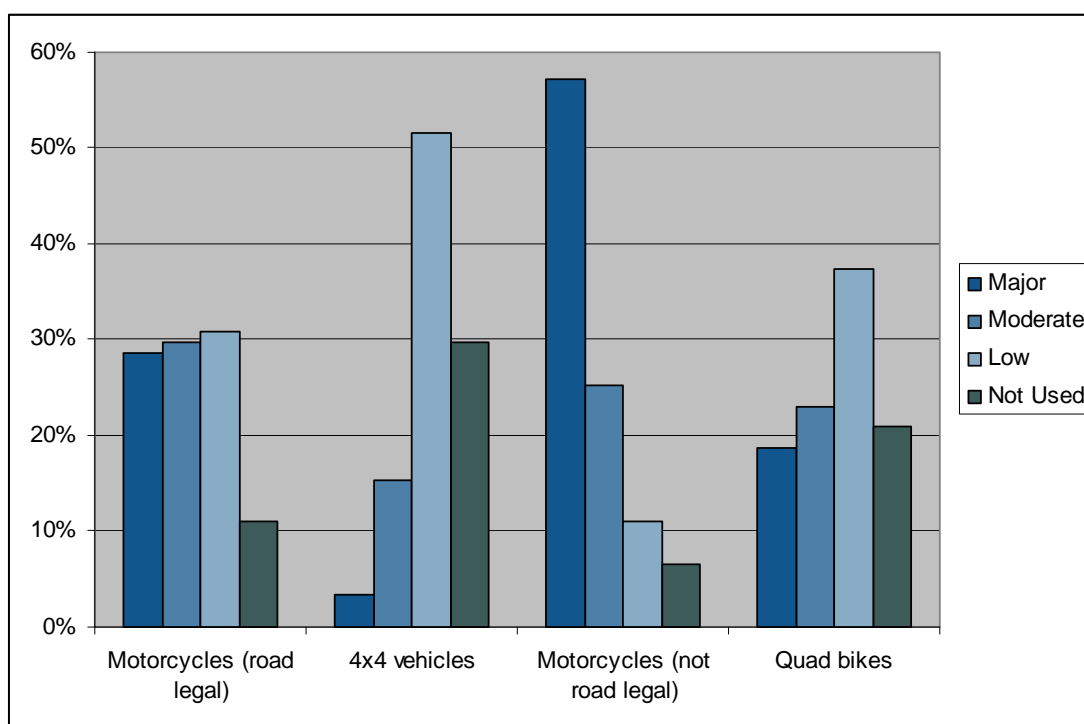


#### 4.4.7 Characteristics of MPVs used illegally

LHAs and NPAs were asked to identify which motor vehicles were used illegally and to indicate the severity of the problem. **Figures 4.10** and **4.11** set out the responses for LHAs and NPA in respectively. Note that the category 'Not Used' includes any questionnaire responses in which this was left blank.

The MPV types that were considered to be of the greatest concern to both LHAs and NPAs were motorcycles, whether road legal in terms of registration, road tax, insurance, driver licensing and roadworthiness or not road legal, particularly with respect to not being registered. For LHAs, 57% said that non-road legal motorcycles were a major concern, 29% said that road legal motorcycles were a major concern while fewer stated that quad bikes (19%) and 4x4 vehicles (4%) were a major concern.

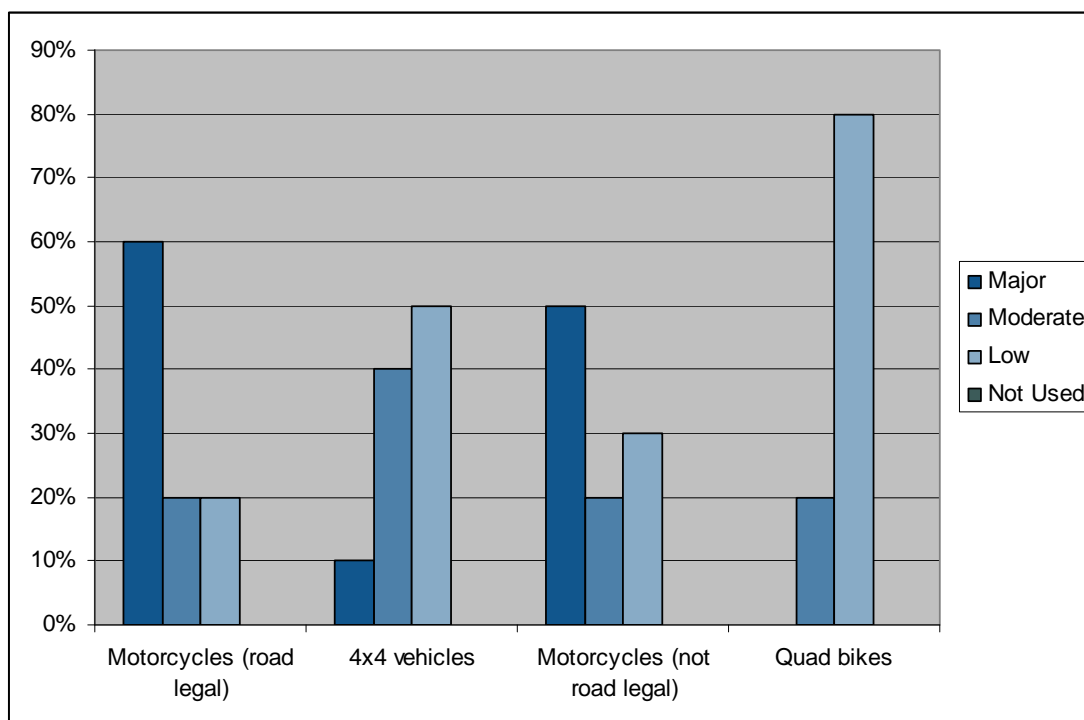
**Figure 4.10: LHA views on the frequency of illegal MPV use by motor vehicle types (91 LHAs responding)**



The MPV types that were considered to be of the greatest concern to NPA were road legal motorcycles (60% of NPA responses indicating a major concern); followed by motorcycles that are not road legal (50%); and 4x4 vehicles (10%). None of the responding NPAs thought that quad bikes were a major concern.

One key point to be drawn from these responses is that, while LHAs thought that motorcycles that were not road legal were more of a problem than those that were road legal, the reverse is true for the NPAs who thought that road legal motorcycles were the greater problem.

**Figure 4.11: NPA views on the frequency of illegal MPV use by motor vehicle type (10 NPAs responding)**



Within the responses, there is some variation between authorities and the following commentary on the detailed data interprets this data where possible.

#### *4x4 vehicles*

There was little concern among LHA respondents from authorities regarding the use of road legal and registered 4x4 vehicles. Only three LHA respondents (Vale of Glamorgan, Wiltshire County Council and Oxfordshire County Council) and a single NPA (Snowdonia National Park Authority) considered use of this type of vehicle to be of major concern. In total, 82% of LHA respondents and 50% of NPA respondents considered use of 4x4 cars to be a low concern or not present in their areas.

#### *Quads*

There was generally moderate to low concern about quad bikes including mini quads. However, 19% of LHA respondents considered illegal use of quad bikes to be a major problem. Quad bikes were not considered to be a major problem by any NPAs. 58% of LHA respondents and 80% of NPA respondents stated that use of quad bikes was of low concern or that quad bikes were not used.

#### *Motorcycles (road legal)*

Motorcycles that are road legal and registered were considered to be a major concern by 29% of LHAs and 60% of NPAs. 42% of LHAs and 20% of NPAs considered that use of road legal motorcycles was of low concern in their areas or that quad bikes were not used.

#### *Motorcycles (not road legal)*

Overall, the greatest cause for concern was the use of two wheeled vehicles, including mini-motorcycles and go-peds, which are not road legal. 57% of LHAs and 50% of NPAs considered the use of these types of vehicle to be of major concern.

#### 4.4.8 Impacts of illegal MPV use

**Table 4.8** below summarises the scale of concern about various adverse impacts of the illegal use of motor vehicles expressed by LHAs and NPAs. More detail of the responses from LHAs and NPAs can be seen in **Appendix 4.2 (Tables 4.2.1 and 4.2.2)**. In summary:

- Disturbance to amenity of legal users was stated as a major or moderate concern by 81% of LHAs and 90% of NPAs;
- Disturbance to wildlife and damage to habitat was stated as a major or moderate concern by 73% of LHAs and 80% of NPAs;
- Damage to PRowWs was stated as a major or moderate concern by 74% of LHAs and 70% of NPAs;
- Disturbance to amenity of local residents was stated as a major or moderate concern by 79% of LHAs and 60% of NPAs;
- Threat to health and safety of legal users was stated as a major or moderate concern by 74% of LHAs and 40% of NPAs; and
- Damage to archaeological features was stated as a major or moderate concern by 24% of LHAs and 60% of NPAs.

**Table 4.8: The scale of concern about various adverse impacts of the illegal use of motor vehicles expressed by LHAs and NPAs**

Adverse impact	Scale of concern	Authorities	
		LHA – England & Wales	NPA – England & Wales
Disturbance to amenity of legal users	<b>Major</b>	<b>59%</b>	<b>60%</b>
	Moderate	22%	30%
	Low	13%	0%
	None	2%	0%
Disturbance to wildlife and damage to habitat	<b>Major</b>	<b>31%</b>	<b>40%</b>
	Moderate	42%	40%
	Low	15%	10%
	None	5%	0%
Damage to PRowWs	<b>Major</b>	<b>49%</b>	<b>50%</b>
	Moderate	25%	20%
	Low	18%	20%
	None	3%	0%
Disturbance to amenity of local residents	<b>Major</b>	<b>54%</b>	<b>20%</b>
	Moderate	25%	40%
	Low	15%	20%
	None	1%	0%
Threat to health and safety of legal users	<b>Major</b>	<b>47%</b>	<b>20%</b>
	Moderate	27%	20%
	Low	16%	40%
	None	4%	0%
Damage to archaeological features	<b>Major</b>	<b>8%</b>	<b>0%</b>
	Moderate	16%	60%
	Low	35%	20%
	None	26%	0%

*Note: The major scale of concern has been emphasised to give clarity to the key concerns.*

A number of other concerns were raised in the questionnaires. These are listed in full in **Appendix 4.2 (Table 4.2.3)** and the following are additional to the adverse impacts listed in **Table 4.8**:

- physical damage to grazing on common land, to woodlands, to other land and to boundaries and entrances;
- landscape damage including erosion;
- fear of anti-social behaviour and creation of 'no go' areas; and
- insurance liabilities, assumed to be on the part of landowners.

Noise and pollution, effects on the mental health of residents and reduced value of homes have been regarded as aspects of disturbance to amenity of users and local residents.

#### 4.4.9 Characteristics of illegal users of MPVs

##### *The size of groups of illegal users of MPVs*

Authorities were asked whether they were aware of the size of groups of participants in illegal use of MPVs and, if so, to indicate the percentages who were individuals, small groups of 2 to 4 people, or larger groups with 5 or more riders. **Table 4.9** indicates the average percentage. Note that as each value is independent, the percentages do not sum to 100%.

In England both LHAs and NPAs reported that small groups appear to account for about 50% of illegal use of MPVs. In Wales the LHA figure is similar but the NPA figure is lower at 30%. Note that groups more than one rider will account for a higher proportion of all users as the group size increases. To reflect this **Table 4.8** includes a second set of columns in which the % has been adjusted to give an estimate of the % of all illegal users by group size. The calculations have been based on the assumptions that groups of 2-4 people have an average size of 3 and that groups of 5 or more have an average size of 6.

**Table 4.9: Size of groups of illegal users of MPVs reported by LHAs and NPAs (average percentage)**

<i>Authorities</i>	<i>Individuals</i>		<i>Small groups (2 to 4 people)</i>		<i>Larger groups (5 or more people)</i>	
	% reported	Estimated % of all illegal users	% reported	Estimated % of all illegal users	% reported	Estimated % of all illegal users
LHAs – England	35%	11%	50%	42%	22%	42%
LHAs – Wales	41%	14%	53%	54%	16%	32%
NPAs – England	18%	5%	53%	45%	29%	50%
NPAs – Wales	55%	17%	30%	28%	30%	55%
LHAs – England and Wales	36%	12%	50%	49%	20%	39%
NPAs – England and Wales	26%	8%	48%	42%	29%	51%

### *Organisation of groups of illegal users of MPVs*

Authorities were asked whether they were aware of whether participants in illegal use of MPVs were organised. The responses to this produced no meaningful results.

### *Age characteristics*

Authorities were asked to indicate in broad terms the percentage of illegal users of MPVs in four age groups. **Table 4.10** sets out as average percentages, the responses of authorities who were able to indicate this. While this data is subject to some distortion it appears to indicate that:

- for LHAs in both England and Wales and NPAs in Wales, most illegal users of MPVs, probably 70 to 80%, are under the age of 30 years;
- for NPAs in England, illegal users of MPVs are close to evenly split between those over 30 years and those under 30 years.

**Table 4.10: Age characteristics of illegal users of MPVs (average percentage)**

<i>Authorities</i>		<i>Under 16 years</i>	<i>16 to 30 years</i>	<i>30 to 55 years</i>	<i>Over 55 years</i>
LHA - England	County councils	28%	50%	21%	4%
	Unitary authorities	43%	43%	15%	3%
	Metropolitan districts	43%	40%	18%	6%
	London boroughs	60%	40%	0%	0%
All LHA – England		38%	44%	19%	4%
LHA – Wales		35%	42%	27%	10%
NPA – England		5%	43%	53%	11%
NPA – Wales		20%	70%	10%	0%
LHA – England and Wales		38%	44%	21%	5%
NPA – England and Wales		8%	47%	47%	11%

### *Participation in the illegal use of MPVs by young children accompanied by adults*

Authorities were asked whether they were aware of any participation in the illegal use of MPVs by young children accompanied by adults. **Table 4.11** summarises the results as bare counts.

**Table 4.11: Participation in the illegal use of MPVs by young children accompanied by adults\***

<i>Authorities</i>		<i>Yes</i>	<i>No</i>
		<i>Count</i>	<i>Count</i>
LHA – England	County councils	16	10
	Unitary authorities	12	11
	Metropolitan districts	14	5
	London boroughs	1	1
	All	43	27
LHA – Wales		8	7
NPA – England		3	4
NPA – Wales		3	0
LHA – England and Wales		51	34
NPA – England and Wales		6	4

\* Note: 6 LHAs did not respond to this question

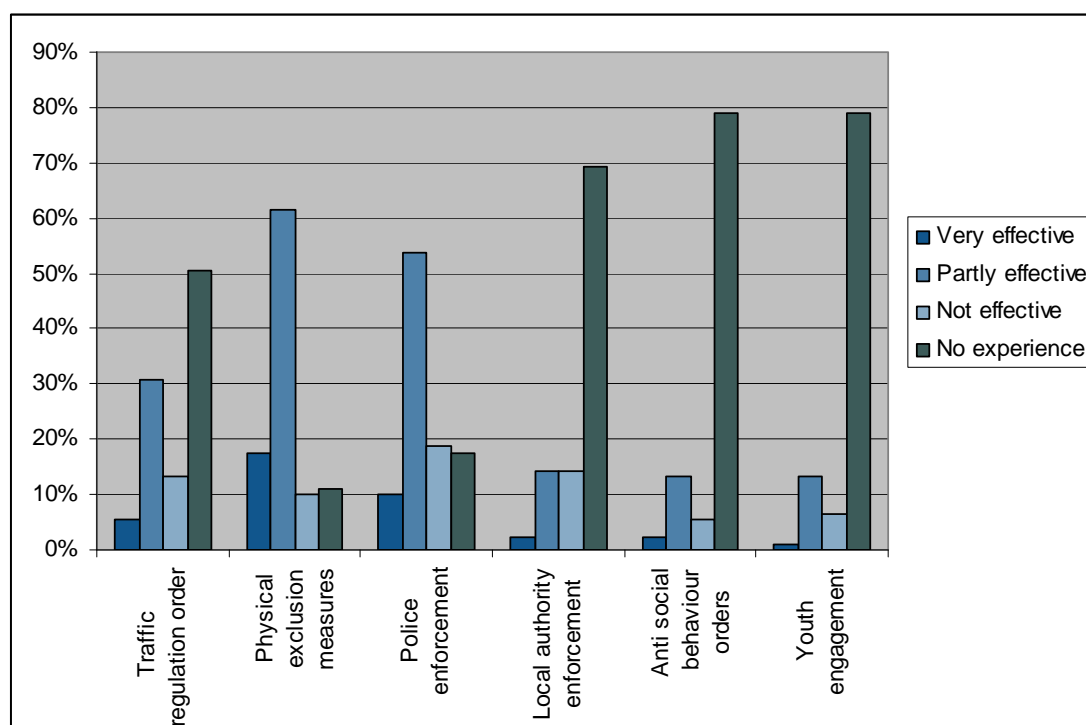
The responses appear to indicate that, in the majority of both LHAs and NPAs, there is participation in the illegal use of MPVs by young children accompanied by adults. However, this response only implies the existence of some use by adults with children and not the scale of illegal use of this form. Typical situations in which this form of participation was reported are:

- adults transporting children and their vehicles to remote sites using vans or cars/4x4 vehicles and trailers;
- the supervision of young children who ride quads and motorcycles ranging from go-peds and mini-motos to motocross bikes;
- adults with young children riding pillion on full size motorcycles;
- parents walking next to a child using the mini-motorcycle on a bridleway;
- father and son with full gear on separate motorcycles; and
- the illegal use by MPVs in parks, areas on the urban fringe, railway lines, countryside sites, country parks, beaches, common land, open land, recreation sites, trails.

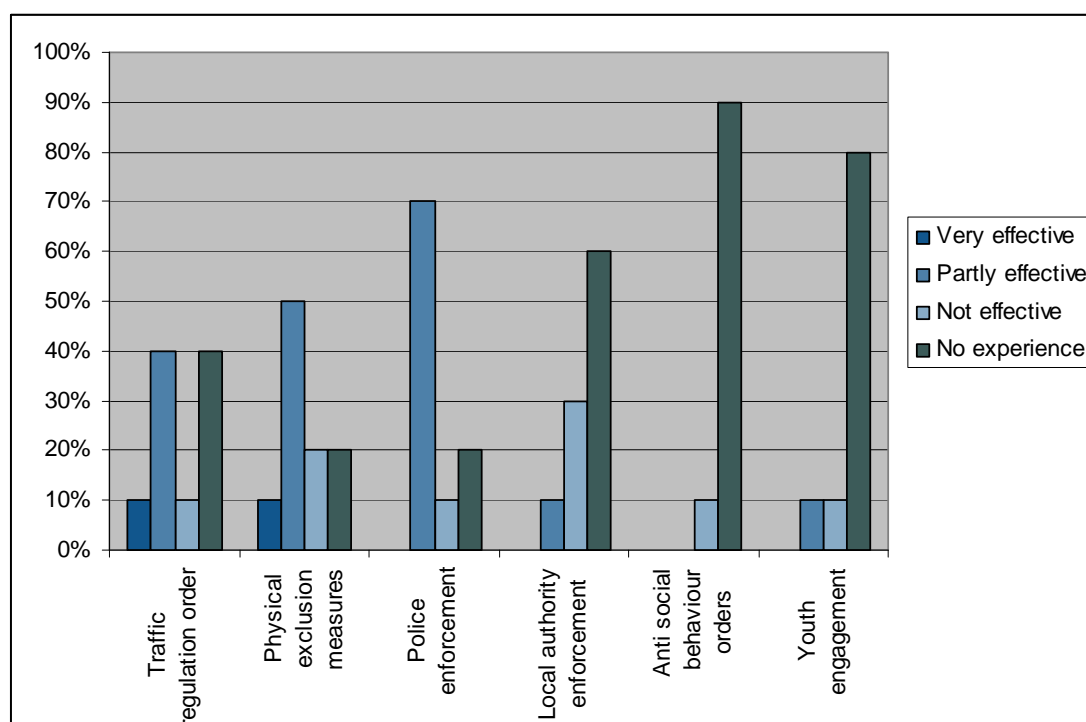
#### 4.4.10 Management of the illegal use of MPVs

Where LHAs and NPAs had management policies or practices in place to tackle the illegal use of MPVs, they were asked, based on their experience, the extent to which they thought these were effective. **Figure 4.12** and **Figure 4.13** summarise the responses of LHAs and NPAs respectively.



**Figure 4.12: Effectiveness of management techniques used by LHA**

*Note: It was assumed that where no response was given, the LHA had no experience of this practice.*

**Figure 4.13: Effectiveness of management techniques used by NPA**

*Note: It was assumed that where no response was given, the NPA had no experience of this practice.*

The following commentary is provided on the management policies and practices reported.

### *Traffic regulation orders (TRO)*

49% of LHAs had experience of TRO measures to prevent illegal MPV use. Such use may have been legal in terms of exercising a lawful right of passage by MPVs prior to imposition of a TRO. However exercise of such lawful passage may have involved other contraventions of law for example driving uninsured MPVs on a highway or causing criminal damage to the surface of the BOAT. The most frequent response (31%) was that TRO measures were only partially effective; 5% stated that they are very effective and 13% regarded TROs as not effective. Given that TRO effectively take away rights of passage they cannot be regarded as a means by which the illegal exercise of rights of passage is controlled.

60% of NPAs had experience of TRO measures to prevent illegal MPV use. The greatest proportion of NPAs with experience indicated that TRO measures are only partially effective (40%) with 10% stating they are very effective and 20% as not effective.

It should be noted that TRO can only be used to control use of MPVs on the highway network; all PRoWs are highways and all PRoWs can therefore be subject to TRO. TRO cannot be used to control off-highway use. Where a TRO is implemented, it will, for example where it is imposed on a BOAT, potentially create illegal use of MPVs on the route rather than controlling existing illegal use.

### *Physical exclusion measures*

89% of LHAs had experience with the use of physical exclusion measures to tackle illegal use of MPVs. The majority of LHAs with experience indicated that physical exclusion measures are only partially effective (62%); 18% stated that physical exclusion measures are very effective while 10% regarded them as not effective.

80% of NPAs had experience with the use of physical exclusion measures to tackle illegal MPV use. The majority of NPAs with experience indicated that physical exclusion measures are only partially effective (50%); 10% stated that physical exclusion measures are very effective while 20% regarded them as not effective.

Neither LHAs nor NPAs regard physical exclusion measures as a wholly effective practice. It appears that LHAs regard them as more effective than NPAs and this may be because NPAs are often trying to exclude MPV users from large areas of open land on which it is very difficult to implement physical exclusion measures.

### *Police enforcement*

82% of LHAs had experience with the use of police enforcement measures to tackle illegal MPV use. The majority of LHAs with experience indicated that police enforcement measures are only partially effective (54%); 10% stated that police enforcement measures are very effective while 19% regarded them as not effective.

80% of NPAs had experience with the use of police enforcement measures to tackle illegal MPV use. The majority of NPAs with experience indicated that police enforcement measures are only partially effective (70%); 10% stated that police enforcement measures are very effective. None of the responding NPAs considered that the use of police enforcement measures was very effective.

Neither LHAs nor NPAs regard police enforcement as a wholly effective practice.

### *Local authority enforcement*

31% of LHAs had experience with the use of local authority measures, such as environmental health legislation, to tackle illegal MPV use. The greatest proportion of LHAs with experience indicated that local authority enforcement measures are only partially effective (14%), with 2% stating these are very effective and 14% as not effective.

40% of NPAs had experience with the use of local authority measures to tackle illegal MPV use. The greatest proportion of NPAs with experience indicated that local authority enforcement measures are not effective (30%) with the remaining 10% stating they are partially effective.

There were no NPAs that considered the use of local authority enforcement measures to be very effective.

There was relatively limited experience of this practice by both LHAs and NPAs and its effectiveness appears to be partial.

#### *Use of anti-social behaviour orders*

21% of LHAs had experience with the use of anti-social behaviour orders or acceptable behaviour contracts to tackle illegal MPV use. The greatest proportion of LHAs with experience indicated that the use of anti-social behaviour orders was only partially effective (13%), with 2% stating they are very effective and 5% as not effective.

10% of NPAs had experience with the use of anti-social behaviour orders or acceptable behaviour contracts to tackle illegal MPV use. This represented only one response which stated that the use of anti-social behaviour orders was only partially effective.

There was relatively limited experience of this practice by both LHAs and NPAs and its effectiveness appears to be partial.

#### *Youth engagement/education projects*

21% of LHAs had experience with the use of youth engagement or education projects to tackle illegal MPV use. The greatest proportion of LHAs with experience indicated that youth engagement projects are only partially effective (13%), with just 1% stating they are very effective and 7% as not effective.

20% of NPA had experience with the use of youth engagement or education projects to tackle illegal MPV use. This represented only two responses, one of which stated that the use of anti-social behaviour orders was only partially effective and the other stated that the practice was not effective.

There was relatively limited experience of this practice by both LHAs and NPAs and its effectiveness appears to be partial.

#### *Other management measures*

Other management measures reported were:

- Several NPAs indicated that leaflet campaigns and liaison with MPV user groups had been partially successful;
- A number of LHAs indicated that a combination of installing prohibition signs, leafleting and publishing articles in the local press was partially successful.

#### *4.4.11 Provision of dedicated legal facilities for off-road MPV use within authority area*

Authorities were asked whether they were aware of any dedicated legal facilities provided for off-road use of MPVs within their areas. **Table 4.12** sets out the extent of awareness by LHAs of dedicated off-road MPV facilities within their areas. 34% of LHA respondents and 60% of NPA respondents were aware of the existence of dedicated legal off-road facilities in their area.

**Table 4.12: Awareness of dedicated off-road MPV facilities in areas of LHAs and NPAs**

Authorities		Aware of dedicated off-road MPV facilities		Not aware of dedicated off-road MPV facilities	
		Count	Percent	Count	Percent
LHA – England	County councils (27)	15	56%	12	44%
	Unitary authorities (25)	1	4%	21*	84%
	Metropolitan districts (20)	7	35%	13	65%
	London boroughs (2)	1	50%	1	50%
	All (74)	24	32%	47*	64%
LHA – Wales (17)		7	41%	10	59%
NPA – England (7)		4	57%	3	43%
NPA – Wales (3)		2	67%	1	33%
LHA – England and Wales (91)		31	34%	57*	63%
NPA – England and Wales (10)		6	60%	4	40%

*Note: 3 unitary authorities in England did not provide a response.*

Where authorities were aware of provision of off-road facilities, they were asked to provide brief details. The responses are set out in full in **Appendix 4.3**. **Table 4.13** summarises the dedicated off road facilities by type. In total:

- 16 facilities were reported that appeared to offer permanent, as opposed to single event facilities, for 4x4 and/or quad bike use; and
- 15 facilities were reported that appeared to offer permanent, as opposed to single event facilities, for motorcycle use.

Where the nature of a facility was unclear it appears likely that most of these are sites used for events rather than being continuously available. It is likely that the number of permanent sites available in England and Wales is greater than the above number. A number of other sites were identified in the literature review.

The responses from LHAs and NPAs appear to confirm that there is a developed business sector which caters for off-road motor vehicle use in England and Wales. About half the sites appear to cater for 4X4 and/or quad bike users and the remainder for off-road motorcycle users. Dedicated sites appear to be reasonably widespread but their density is typically quite low; counties typically appear to have one or two sites.

**Table 4.13: Summary of dedicated off-road MPV facilities identified by LHAs and NPAs**

Type of facility	Number reported by LHAs or NPAs
Large scale facility over extensive area	1
4x4 event facility	2
4x4 facility for events and practice	7
4x4 facility for events and practice including quad bikes	2
Quad track facility	6
Enduro event facility	1
Trials competitions and practice	2
Motocross competitions and practice	7
Off road competition event facility	2
Off road competitions and practice	2
Off road competition and practice with recreational motorcycling	2
Motorcycle or motor club sites	2
Not clear	19

*Note: This list excludes all sites where the use was confined to tarmac surfaces. It thus excludes all motor sport racing circuits.*

#### 4.4.12 Potential benefits of illegal use of MPVs

Authorities were asked whether they thought that the illegal use of MPVs gave rise to any benefits, for example:

- Young people who might otherwise become involved in more serious criminal behaviour find an interest/hobby; and
- The passage of motor vehicles helps keep PRowWs clear of dense vegetation.

The responses are summarised in **Table 4.14**. The responses should be treated with caution as the phrasing in the form of a leading question may have biased the responses.

**Table 4.14: Potential benefits associated with illegal MPV use reported by LHAs and NPAs**

Description	Number indicating
Young people who might otherwise become involved in more serious criminal behaviour find an interest/hobby	15
The passage of motor vehicles helps keep public rights of way clear of dense vegetation	5
Helps develop mechanical skills of young people	1
Young people are safer using MPVs off-road than doing it illegally on the highway	1
Illegal MPV users who provided assistance to disabled electric wheelchair user	1
The activity supports many more amateur mechanics, whose skills can become professional in the future	1
Benefit to local businesses in the form of food, beverages and fuel purchased	2

One authority commented that while MPV use may help in keeping vegetation down, it may also dissuade many walkers who would do the same job. The comment about young people being safer using MPVs off-road rather than doing it illegally on the highway is interesting and the issue of how to address illegal MPV use on roads is clearly a concern.

#### 4.5 Overall findings of the LHA and NPA surveys

The response rate to the surveys was good particularly from LHAs in Wales and for NPAs in both England and Wales. The lower response rate amongst LHA in England was lower. Key findings are:

- The proportion of respondents that indicated that they were aware of illegal motor vehicle use on PRoWs was extremely high, with 90% of LHA and 100% of NPA respondents being aware that there was some illegal use of MPVs within the area covered by their authority.
- The proportion of respondents indicating illegal use on land to which the public has access was slightly lower, with 81% of LHA respondents reporting use on public access areas. 100% of NPA being aware of illegal use on public access areas.
- 81% of responding LHAs and 100% of responding NPAs in England and Wales stated that they had a good understanding of the legal position.
- Most NPAs and some LHAs maintain records of complaints/incidents of the illegal use of MPVs. The items of information recorded most often in the records held by LHAs and NPAs are the location and date of the incident.
- The number of complaints/incidents and the frequency of complaints/incidents varied widely. Four of the five areas reporting over 500 complaints/incidents are metropolitan areas or larger cities suggesting an urban dimension to the problem. In general the responses do not point to significant increases in activity involving the illegal use of MPVs.
- The activity reported by LHAs is mainly by illegal use of MPVs on the urban fringe, perhaps mainly by young people, which increases in summer as the length of daylight increases and the weather improves.
- The activity in the NPAs is by MPV users who know they will not be welcome in summer and, with lower visitor numbers, can be more active in winter. It might also be explained by the challenge of driving in winter conditions.
- Areas where LHAs thought that the illegal use of MPVs was a major concern were:
  - open land with public access (37% of LHA responses);
  - PRoWs in urban fringe areas (34% of LHA responses);
  - PRoWs in rural areas (20% of LHA responses); and
  - PRoWs in urban areas (20% of LHA responses).
- Areas where NPAs thought that the illegal use of MPVs was a major concern were:
  - PRoWs in rural areas (40% of NPA responses);
  - open land with public access (40% of NPA responses);
  - forestry/woodland (30% of NPA responses);
  - PRoWs in urban fringe areas (20% of NPA responses); and
  - disused mineral workings (20% of NPA responses).
- Hotspots are widely distributed across England and Wales. However:
  - There are some areas of the country which are relatively free of hotspots, for example much of East Anglia;
  - There are particular concentrations in the South Wales Valleys, West Yorkshire, the North East and Merseyside;
  - Some of the hotspots appear to be associated with upland, for example Dartmoor, The Pennines, North York Moors, North Downs, Quantock Hills and in Wales; and
  - Some of the hotspots appear to be associated with urban areas, for example the South Wales Valleys, West Yorkshire, Merseyside and the Midlands.
- Of all MPV types, motorcycles were considered to be of the greatest concern to both LHAs and NPAs. For LHAs 57% said that non-road legal motorcycles were a major concern and 29% said that road legal motorcycles were a major concern. Fewer LHAs stated that quad bikes (19%) and 4x4 vehicles (4%) were a major concern. For NPAs 50% said that non-road legal motorcycles were a major concern, 60% said that road legal motorcycles were a major concern

and 10% said that 4x4 vehicles were a major concern. None of the NPAs thought that quad bikes were a major concern. A key point is that while:

- LHAs thought that motorcycles that were not road legal were more of a concern than those that are road legal,
  - The reverse is true for the NPAs who thought that road legal motorcycles were the greater concern.
- There are clear concerns about:
    - Disturbance to amenity of legal users was stated as a major or moderate concern by 81% of LHAs and 90% of NPAs;
    - Disturbance to wildlife and damage to habitat was stated as a major or moderate concern by 73% of LHAs and 80% of NPAs;
    - Damage to PRoWs was stated as a major or moderate concern by 74% of LHAs and 70% of NPAs;
    - Disturbance to amenity of local residents was stated as a major or moderate concern by 79% of LHAs and 60% of NPAs;
    - Threat to health and safety of legal users was stated as a major or moderate concern by 74% of LHAs and 40% of NPAs; and
    - Damage to archaeological features was stated as a major or moderate concern by 24% of LHAs and 60% of NPAs.
  - While the data is subject to some distortion:
    - LHAs in both England and Wales and NPAs in Wales indicate that most illegal users of MPVs, probably 70 to 80%, are under the age of 30 years;
    - NPAs in England indicate that illegal users of MPVs are close to evenly split between those over 30 years and those less than 30 years.
  - The responses appear to indicate that in the majority of both LHAs and NPAs, there is participation in the illegal use of MPVs by young children accompanied by adults.
  - None of the management measure available was regarded as a panacea for all ills. Generally physical exclusion measures and police enforcement are considered to be the most effective measures of management. However, these and other management practices vary widely in effectiveness from authority to authority, highlighting the need for careful consideration of the characteristics of the local area and a site-specific approach when tackling the problem of illegal motor vehicle use. The use of a combination of management techniques may prove most effective.
  - The responses from LHAs and NPAs appear to confirm that there is a developed business sector which caters for off-road motor vehicle use in England and Wales. About half the sites appear to cater for 4X4 and/or quad bike users and the remainder for off-road motorcycle users. Dedicated sites appear to be reasonably widespread but their density is typically quite low; counties typically appear to have one or two sites.





## 5 Case Studies

### 5.1 Background to the case studies

The case studies were more detailed studies of geographic areas within which there appeared to be recurring illegal use of MPVs on PRowS or in public access areas. The study areas varied from individual lengths of PRow and small areas (for example, Hope Brink and Kelstedge, Derbyshire) to more extensive areas (for example, the Quantock Hills, Somerset). The principal objectives of each case study were to identify:

- The level and nature of legal and illegal MPV use on PRowS and public access areas within the case study area;
- Evidence of damage caused by MPV use, whether legal or illegal, for example tracks and rutting of PRow surfaces;
- The general landscape and other features of the case study area;
- Where illegal MPV use was identified, the principal impacts on legitimate users of PRowS and public access areas, the local community including residents, the condition of PRowS and public access areas and landscape, nature conservation and archaeological interests; and
- Whether there were any physical control measures on the ground and associated management and enforcement regimes to control or prevent the illegal use of MPVs.

In general the desk study, clustered PRow sample survey and LHA/NPA surveys pointed to the conclusions that:

- Illegal MPV use was not practicable or present in many places;
- Where illegal MPV use was present, its effects on the environment and on other people could be severe but these effects were often specific to a locality or route.

The case studies focused on collection of quantitative data on the extent of illegal MPV use in particular places, on the factors associated with that illegal use of MPVs and on the effects of that use.

The selection of case studies was largely based on the desk study, the responses to the LHA and NPA surveys, information provided by stakeholders at a workshop held in May 2006, and the past experience of the consultant team and the project steering group. All of the case study locations were places where illegal MPV use of PRowS was reported to be an issue.

14 case study areas were selected to provide a range of geographic, demographic and administrative characteristics. In selecting the case studies, it was important that they, collectively, covered all of the following:

- Upland, lowland and coastal areas;
- Rural areas relatively remote from population;
- Open land within urban areas and urban fringe areas both for conurbations and free standing towns;
- Land under a range of management regimes including, for example, common land, managed forestry land, land managed primarily for its nature conservation interest, arable farmland, pasture land, mixed arable/livestock farmland and urban open land with public access;
- Land and features subject to a range of designations including, for example, Sites of Special Scientific Interest, Special Areas of Conservation, Scheduled Monuments, National and Local Nature Reserves, Special Protection Areas, Areas of Outstanding Natural Beauty and National Parks;

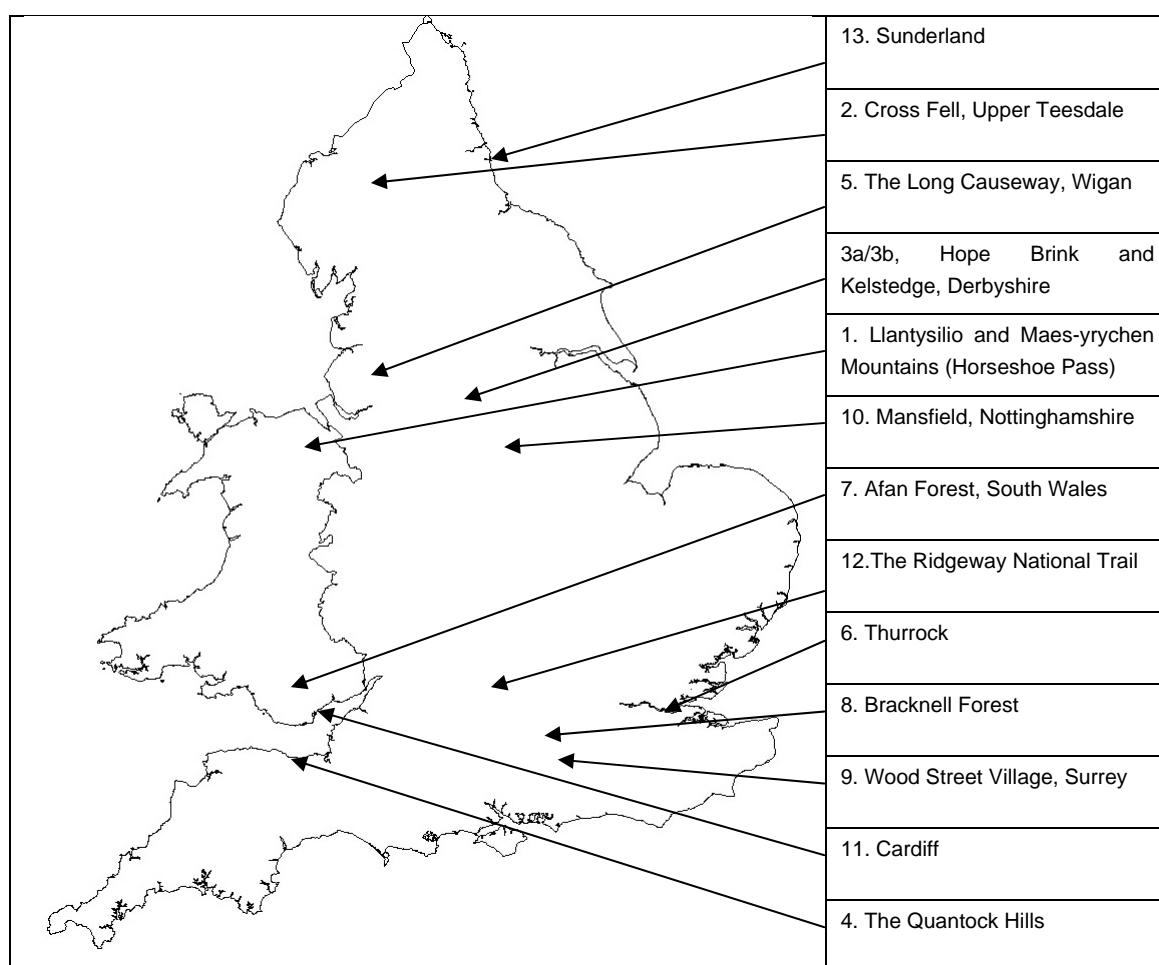
- A range of PRow types and public access area types including, for example, footpaths, bridleways, byways, Forestry Commission land and land mapped as Access Land under the CRow Act Part 1;
- Illegal MPV use of all types including, for example, the recreational use of motorcycles, 4x4 vehicles and quads and fly tipping; and
- A reasonable geographical spread across England and Wales.

**Table 5.1** summarises the case study areas selected and the principal features present. We would have liked to include an area with legal off-road provision catering for all types of off-road use but were unable to identify an area with such a facility. Wigan had a motorcycle facility and Sunderland a karting track but neither of these catered for off-road motorcycling or 4x4 use on rough terrain. The general location of the case studies is shown on **Figure 5.1**.

**Table 5.1: Case study areas selected and their features**

<i>Case Study Area</i>	<i>Region</i>	<i>Upland, lowland or coast</i>	<i>Rural, urban fringe or urban</i>	<i>Public access</i>	<i>Character</i>	<i>Designations</i>	<i>Comment</i>
1. Llantysilio and Maes-rychen Mountains (Horseshoe Pass)	North Wales	Upland	Rural remote	Open access (CRow) with PRowS	Moorland	SSSI, SAC, SM, registered common land	Known area of illegal MPV use
2. Cross Fell, Upper Teesdale	North West	Upland	Rural remote	Open access (CRow) with PRowS	Moorland, mountain	National Trail, National Nature Reserve, SSSI, SPA, SAC, AONB, registered common land	Wide range of designations
3a/3b, Hope Brink and Kelstedge, Derbyshire	East Midlands	Upland and lowland	Rural settled	PRowS	Pastoral farmland	SSSI, NP	Dis-advantaged area, derelict land, lowland
4. The Quantock Hills	South West	Upland	Rural settled	Open access with PRowS	Moorland, pastoral farmland	SSSI, SAC, AONB, SM, registered common land	National Trust, Forestry Commission with known 4x4 vehicle use
5. The Long Causeway, Wigan	North West	Lowland	Urban conurbation and fringe	PRowS	Pastoral farmland, recreation land	Green belt	Metropolitan area, derelict land
6. Thurrock	South East	Lowland and coast	Urban conurbation and fringe	PRowS and other public routes	Urban, arable farmland and landfill site	SSSI	London fringe
7. Afan Forest, South Wales	South Wales	Upland with lowland in valley	Urban conurbation fringe	Open access with PRowS	Moorland and plantation forestry	SSSI,	Dis-advantaged urban area
8. Bracknell Forest	South East	Lowland	Urban fringe	Open access with PRowS	Forestry and heath	SSSI, SPA, SAM	Large open area surrounded by high, relatively affluent population

<i>Case Study Area</i>	<i>Region</i>	<i>Upland, lowland or coast</i>	<i>Rural, urban fringe or urban</i>	<i>Public access</i>	<i>Character</i>	<i>Designations</i>	<i>Comment</i>
9. Wood Street Village, Surrey	South East	Lowland	Rural settled	PRoWs	Common, woodland and mixed farmland		Small high density settlement in home counties
10. Mansfield, Nottinghamshire	East Midlands	Lowland	Urban and urban fringe	PRoWs with some open access	Recreation land, plantation forestry and reclaimed land	SSSI,	Dis-advantaged area, derelict land
11. Cardiff	South Wales	Lowland	Urban conurbation and fringe	PRoWs and other public routes and public open space	Urban recreation land		Dis-advantaged fringe housing estate
12. The Ridgeway National Trail	South West and South East	Upland on the higher ridges with lowland elsewhere	Rural settled	PRoWs	Arable farmland	National Trail, SSSI, SAM	Downland, 4x4 vehicles present
13. Sunderland	North East	Lowland and coast	Urban conurbation and fringe	PRoWs and other public routes	Urban fringe, arable farmland	SSSI	Dis-advantaged fringe housing estate

**Figure 5.1: General location of case studies**

## 5.2 Case study approach

### 5.2.1 Overall approach

The approach to each case study was tailored to the local situation. The initial scope of each case study was loosely defined to allow flexibility where, for example, something of interest was found just outside the main area of focus. While all case studies followed the same general format, the research input to each varied. The situation in some of the case study areas suggested a limited study within a small area or on a specific route; elsewhere, a more comprehensive and wide-ranging approach was taken. The case studies are not a representative sample that can be added together to reflect what is going on in England and Wales as a whole; rather they are a series of snapshots which illustrate illegal motor vehicle use, and how it is being dealt with, in a range of situations.

### 5.2.2 Scope of the case studies

For each case study an outline of the intended scope was prepared including:

- The geographic area to be covered by the study;
- The apparent issues on the basis of the research undertaken to date;
- The key contacts, as known at the outset, to be made;
- Broad scope of data collection and whether logger<sup>4</sup> deployment is likely to be possible; and
- Whether any user dialogue was likely to be possible through surveys or meetings.

<sup>4</sup> Data loggers were used in most case studies to collect data on vehicle movements – see section 5.2.7 below for further explanation

### 5.2.3 *Baseline*

The baseline information gathered for all studies included:

- A location map;
- Aerial photography;
- A review of accessibility to the area, both by local people and from those living further afield (including links to the motorway and trunk road network);
- Any designations, principally statutory designations, for example National Parks, SSSIs and SMs;
- The character of the countryside, including its landscape and wildlife status;
- The public access network present, both PRoWs on definitive maps and other routes available to the public;
- Public access land present including land with de-facto or permissive access; and
- Vacant or derelict land notably former industrial and mineral working land.

### 5.2.4 *Existing quantitative data*

For all case studies, the research sought any existing hard data on MPV use, for example, traffic counts undertaken on the Ridgeway by the National Trail team, and data from past research including *Report of a research project on Motor Vehicles on byways open to all traffic* published by Defra and the Countryside Agency in 2005.

Existing quantitative data included incident records and, where possible, the intention was to analyse this, for example by mapping the location of incidents and number of vehicles involved in the last two years. It should be noted that the vast majority of the data gathered relates to a period before the introduction of the NERC Act 2006.

### 5.2.5 *Stakeholder discussions*

In all of the case studies, contact was made with appropriate stakeholders. Resources did not permit comprehensive discussions in every case but the following list of key contacts was used as a guide:

- The LHA, which is the surveying authority for PRoWs and generally hold responsibility for the PRoW network although there is some delegation, for example to NPAs or district councils;
- The NPA (where relevant), which has a clear interest in public access;
- Police forces, which are responsible for enforcement of laws affecting the use of MPVs;
- Relevant public access user groups active in the area;
- Landowners and land managers or their representatives, e.g. private landowners, Forestry Commission, National Trust and the CLA; and
- Any local community sources with knowledge of illegal MPV use.

### 5.2.6 *Case study walkover*

All of the case studies included walkover surveys to identify any evidence of the illegal use of MPVs on the ground. For the more extensive case study areas, it was not practical to cover the entire area and targeted walkover surveys were carried out. In some cases surveys were on pedal cycle and by motor vehicle accompanied by land managers, for example the Forestry Commission. Evidence of MPV use was recorded in a similar format to that used by the clustered sample surveys. Where possible, the walkovers were carried out with a person familiar with the area (e.g. a countryside ranger or warden, land owner or land occupier) who was in a position to draw attention to evidence/issues.

In some cases, public access users were seen during the walkover and the opportunity was used to collect their ad-hoc comments on MPV use. Where appropriate, ad-hoc discussion also took place with landowners and/or land occupiers.

### 5.2.7 *Logger deployment*

Duddon vehicle loggers can be used to record passing motor vehicles by means of two separate traces, one electro-magnetic and the other acoustic. Although these loggers do not operate satisfactorily under all conditions and care needs to be taken in siting them, they are the most cost effective means of collecting data on motor vehicle movements on unsurfaced ways. 19 loggers were available for the project and it was the intention to deploy at least two loggers in each case study area for a period of between two and four weeks. However this depended on suitable sites being available. The loggers could only be deployed at sites where:

- Motor vehicle users are required, for example, because of obstructions, to pass through a gap not exceeding 3 metres in width;
- No electrical or mechanical equipment is present within 50 metres. This includes, in particular, power lines, telephone lines and electric fences;
- No metallic objects are present within 25 metres. This includes metal gates or fences (possible exception is fences of barbed wire or other thin wire) and parked agricultural equipment;
- Loggers can be buried effectively at the edge of the way under shallow soil or turf; and
- Loggers will record motor vehicles that are, prima-facie, likely to be illegal.

Where data was already available, for example on the Ridgeway, it was decided not to deploy loggers as the existing data was likely to be more substantial than anything which could be collected as part of this research. The logger deployment was not seen as an extensive data gathering exercise but rather to support the other research undertaken during the case study.

### 5.2.8 *Assessment of illegal motor vehicle use*

For all case studies, it was necessary to assess overall motor vehicle use and then evaluate the extent to which this was illegal. In some cases, there was a grey area within which motor vehicle use might be legal or illegal. As far as practically possible, the factors that appeared to contribute to any illegal MPV use were identified. The key means of identifying overall motor vehicle use and deciding whether it was illegal or not were:

- Physical evidence of use on the ground, particularly wear tracks from motor vehicle use;
- Visual evidence of users seen during the walkover surveys;
- Vehicle counts and identification of vehicle types collected using Duddon vehicle loggers;
- Examination of aerial photographs for evidence of motor vehicle use;
- Evidence from records held by others, notably incident records;
- Ad-hoc evidence from stakeholders;
- Property access arrangements in the study area; and
- The land use and land management situation in the study area.

In general none of these provided by themselves sufficient evidence to assess the level of illegal use of MPVs but in combination they were sufficient to give a reasonable picture. It is important to emphasise that illegal MPV use is a relatively sporadic activity and the case studies represent the situation as it existed between June and October 2006. The situation is fluid and will change in response to, for example, increased enforcement activity by the police and others.

### 5.2.9 *Identification of management measures within the case study areas*

In broad terms, these measures included:

- Physical measures to prevent motor vehicle use which were generally apparent from the walkover surveys. These measures include gates and barriers designed to prevent the passage of any motor vehicles or limiting access, for example, to keyholders;
- Enforcement measures to discourage motor vehicle use, primarily through the police, particularly at community level, and through rangers employed, for example, by a local authority countryside service or by the land owner or occupier;
- Education measure to encourage responsible behaviour by motor vehicle users, for example, in the form of on-site signs indicating that motor vehicles are not permitted. Such measures may also include leaflets distributed by local authorities and community police working through schools; and
- Provision of facilities/opportunities for legal off-road motor vehicle use which may include management of those parts of the PRoW network that are available to motor vehicle users (BOAT) and dedicated sites for off-road use on unsurfaced roads or rough terrain.

The extent of joint working between agencies and of any multi-faceted approach to management in an area was of particular interest, and was included within the review of management measures; for example, the Wigan case study falls within the Greater Manchester area, where the Red Rose Forest Partnership has looked at illegal off-road motor cycling at a strategic level.

### 5.2.10 *Conclusions of individual case studies*

All of the case studies conclude with a summary of:

- The level of motor vehicle use, where and why it takes place;
- The effects of illegal motor vehicle use;
- Management of motor vehicle use and its effectiveness in practice; and
- Any other finding of particular interest from the case study.

## 5.3 **Case study reports**

### 5.3.1 *Overview of case study reports*

The case studies have been reported in detail in a separate volume. The findings of each case study are summarised in **Appendix 5.1**. Rather than repeat the conclusions of each case study this chapter summarises the main findings from the case studies as a whole under the following headings:

- Where and what illegal motor vehicle use takes place - the places where the illegal use of motor vehicles occurs with commentary on the nature of illegal use;
- Who participates;
- How much illegal motor vehicle use takes place;
- The effects of illegal motor vehicle use on other people and on the environment;
- How illegal motor vehicle use is being controlled and managed.

### 5.3.2 *Where and what illegal motor vehicle use takes place?*

Illegal use of motor vehicles was found to be present in the following areas:

- Upland areas where passage by MPVs was reasonably easy. These areas can be relatively remote attracting people who have driven some distance to the area. Where they are close to urban areas they typically attract people who live close by but may also draw people from further afield. This was identified in Llantysilio and Maesrychen Mountains (Horseshoe

Pass) (Denbighshire), Afan Forest (South Wales), Quantock Hills (Somerset) and the Ridgeway (Oxfordshire and Wiltshire).

- Lowland areas which are open to public access or where land use activity is low, typically vacant mineral working land. These areas are generally not remote but well known sites appear to attract both people from further afield and local people. These circumstances were identified in Wigan, Thurrock, within the valley areas of the Afan Forest (South Wales), Bracknell Forest, Wood Street Village (Surrey), Mansfield, Cardiff, the Ridgeway (Oxfordshire and Wiltshire) and Sunderland.

In broad terms we have regarded lowland areas as those below 150 metres AOD and upland areas as above 150 metres AOD.

The upland areas where passage by MPVs is reasonably easy are characterised by plantation forestry with numerous forestry roads and moorland used as rough grazing. This land is often crossed by PRoWs but is generally open to public access either because it is access land designated under CROW or because it is in the ownership of a landowner that allows public access, most often the Forestry Commission or the National Trust. Where terrain is steeper, more rugged and/or poorly drained, the use of MPVs is generally impracticable and illegal use of MPVs is not present. However, variety of terrain appears to be a feature that attracts recreational MPV use. Forestry roads, land management access tracks and ridges appear to be particularly attractive to users.

Lowland areas attractive to illegal use by MPVs are characterised by open access to the public and/or a low intensity of active land use. Land affected included lowland heath and woodland open to public access, public open space and public routes such as cycle tracks. Where passage along a route is difficult because of terrain or obstruction, the illegal use of MPV is not present.

Illegal use of MPV identified in the case studies included the following:

- The use of motor vehicles in places where there is no right of passage in MPVs and where the activity has not been authorised, for example, by the landowner. This was identified in Llantysilio and Maesrychen Mountains (Horseshoe Pass) (Denbighshire), Quantock Hills (Somerset), Afan Forest (South Wales) and the Ridgeway (Oxfordshire and Wiltshire);
- The use of MPVs that does not comply with the requirements for the use of a motor vehicle in a public place, essentially that the driver holds a driving licence and that the vehicle is registered and insured;
- The use of MPVs to engage in other activities that are themselves illegal.

**Table 5.2** summarises for each case study the presence of upland and lowland/coastal land use, whether users were local or from further afield, use by juveniles/mature people and whether on a registered vehicle and the main vehicle types used.



**Table 5.2: Presence of illegal MPV use in case studies by land type, catchment, user character and vehicle type**

Case Study Area	Illegal use in upland areas	Illegal use in lowland and coastal areas	Use by local people	Use by people from further afield	Use by juveniles	Use by mature people on registered vehicles	Use by mature people on unregistered vehicles	Recreational motorcycle use	Recreational quad bike use	Recreational 4x4 vehicles	Other vehicles including socialising and fly tipping
Llantysilio and Maesryche n Mountains (Horseshoe Pass)	✓		✓	✓			✓	✓		✓	
Cross Fell, Upper Teesdale	✓			✓		✓		✓			
Hope Brink and Kelstedge, Derbyshire	✓	✓	✓	✓		✓	✓	✓			
The Quantock Hills	✓		✓			✓		✓	✓	✓	
The Long Causeway, Wigan		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Thurrock		✓	✓	✓	✓		✓	✓	✓		✓
Afan Forest, South Wales	✓	✓ (in valleys only)	✓	✓	✓	✓	✓	✓	✓		✓
Bracknell Forest		✓	✓	✓	✓	✓	✓	✓	✓	✓	
Wood Street Village, Surrey		✓	✓		✓			✓		✓	✓
Mansfield, Nottinghamshire		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
East Cardiff		✓	✓		✓			✓			✓
The Ridgeway National Trail		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Sunderland		✓	✓	✓	✓	✓	✓	✓	✓		✓

### 5.3.3 Who participates?

A survey of illegal users was not regarded as practicable as it was considered unlikely that people engaged in illegal activity would in general be prepared to cooperate. The case study research established that illegal off-road MPV users comprise the following types:

- Juvenile males out for vehicle recreation using small motorcycles without registration plates and typically riding solo or in small groups. The motorcycles used include all off-road types but small motocross machines and mini motos feature strongly. Quads are also used. It appears that this group does not have the ability to travel to remote locations and will look for places to use their motor vehicles close to home and where they will not be troubled much by others. They will typically choose vacant land (often formerly used for mineral working) and public open space where few other users are present. Use will almost always be on the edge of settled areas or on open land within urban areas. This group will often use busier public routes and areas, including roads, to get to the areas they use most. Use is both at the weekends and on weekdays in the afternoons and evenings when daylight permits. This group was identified in the Wigan, Thurrock, Afan Forest (South Wales), Bracknell Forest, Wood Street Village (Surrey), Mansfield, East Cardiff and Sunderland case study areas;

- Mature people, primarily male, who are well aware that they have no right to use a route, out for vehicle recreation, often in groups and predominantly on motorcycles but sometimes on quads. This group uses vehicles without registration plates and are sometimes accompanied by juveniles, both male and female. The motorcycles used are typically full size trail or enduro bikes and their junior versions. This group was identified in Hope Brink and Kelstedge (Derbyshire), Wigan, Thurrock, Afan Forest, Bracknell Forest, Mansfield, and Sunderland.
- Mature people, primarily male, out for vehicle recreation, often in groups, who believe that they have a right to use a route, predominantly on full size off-road motorcycles but sometimes in 4x4 vehicles. This group uses vehicles that are registered and insured and are in all other respects law abiding citizens. This was identified in Cross Fell (Upper Teesdale), Hope Brink and Kelstedge (Derbyshire), Quantock Hills (Somerset) and the Ridgeway (Oxfordshire and Wiltshire);
- Groups, typically of young people, who travel to an out-of-the-way place for social reasons including the consumption of alcohol. This group is not focused on vehicle recreation, which is just an adjunct to other anti-social activities. Vehicles are typically cars capable of using reasonable standard routes and are generally registered and insured, although at some locations motorcycle use may occur. This was identified in Afan Forest (South Wales), Mansfield (Nottinghamshire) and Sunderland;
- People using public routes and public access areas to dump vehicles or fly tip. This may include both householders who cannot be bothered to use household waste sites and business users wishing to avoid waste disposal charges. The vehicles are generally likely to be registered and insured. This was identified in Afan Forest (South Wales) and Mansfield (Nottinghamshire).

There was some evidence of the use of PROWs and public access areas by hunt followers (Quantock Hills). It was not clear whether this was with lawful authority but it appears to give the impression to others that some areas are open for motor vehicle use by the public. It is very difficult to distinguish exactly what was or was not illegal but it appears that at least some of this use is illegal.

Illegal use of MPVs is primarily by motorcycles although some evidence was found for the illegal use of quads, 4x4 vehicles and other motor vehicles. In most cases, it appeared that the illegal use of motor vehicles centred on recreational driving of the vehicle itself. However, there was some evidence of the illegal use of motor vehicles to reach places that were then used as venues for anti-social activity or fly tipping.

### 5.3.4 *How much illegal motor vehicle use takes place?*

The logger data from the case studies is of particular interest in that it provides clear quantitative data on MPV use, although this has to be analysed and a degree of judgement exercised in deciding the level of MPV use that is illegal. **Appendix 5.2** summarises the logger data from all of the case study areas. For most of the logger sites, it is likely that all motorcycle use was illegal and in many cases all MPV use is likely to have been illegal.

A key feature of the data is that, generally, the number of motor vehicles counted is small, generally fewer than 10 per day, even at peak times. These flows are very low even in comparison to quiet country lanes where traffic flows under 100 per day are regarded as very light. Even on sites where there was clear visual evidence of the passage of motorcycles, for example, the Bwlch in South Wales, the average flow was less than one vehicle per day and the peak flow was on average less than ten vehicles during a day. On one site, Resolven in South Wales, the average number of vehicles counted each day was much higher at 57.8 but this forestry road was clearly being used by authorised traffic to access a wind farm and a quarry and by forestry management traffic.

It should not be concluded that the relatively low flows recorded mean that the illegal use of motor vehicles does not result in a concern; rather, it suggests that a few vehicle movements can create concern. **Plate 5.1** shows an example of the effects on the ground of the relatively low flows at The Bwlch in South Wales.

**Plate 5.1: Wear and tear on upland at the Bwlch resulting from an average flow of circa one vehicle per day**



#### 5.3.5 *What are the effects of illegal motor vehicle use?*

In general, the effects of illegal motor vehicle use falls within the following categories:

- Physical damage to the PRow, route or public access area such that the use of these by others is adversely affected;
- Adverse effects on environmental resources, notably the landscape, wildlife and historic artefacts because of physical damage to habitat and disturbance of flora and fauna;
- Nuisance to other recreational users because of, for example, noise, visual intrusion, loss of amenity and physical intimidation;
- Nuisance to landowners and occupiers because, for example, of noise, damage to land and disturbance to livestock;
- Nuisance to local residents because of, for example, noise and visual intrusion;
- Safety concerns both for illegal users and for others because of the use of MPVs, particularly at higher speeds.





**Table 5.3** summarises where these effects were found by case study.

**Table 5.3: Effects of illegal MPV use identified in the case studies**

<i>Case Study Area</i>	<i>Physical damage to rights of way and routes</i>	<i>Adverse effects on landscape</i>	<i>Adverse effects on wildlife interests</i>	<i>Adverse effects on archaeological interests</i>	<i>Nuisance to legitimate recreational users</i>	<i>Nuisance to landowners and occupiers</i>	<i>Nuisance to local residents</i>	<i>Safety concerns for both illegal and other users</i>
Llantysilio and Maesyryche n Mountains (Horseshoe Pass)	✓	✓	✓	✓	✓	✓		✓
Cross Fell, Upper Teesdale	✓		✓		✓	✓	✓	
Hope Brink and Kelstedge, Derbyshire	✓	✓			✓	✓	✓	✓
The Quantock Hills	✓	✓	✓	✓	✓	✓		
The Long Causeway, Wigan					✓	✓	✓	✓
Thurrock		✓	✓		✓	✓	✓	✓
Afan Forest, South Wales	✓	✓		✓	✓	✓	✓	✓
Bracknell Forest	✓	✓	✓	✓	✓	✓	✓	✓
Wood Street Village, Surrey					✓	✓	✓	✓
Mansfield, Nottingham shire	✓	✓	✓		✓	✓	✓	✓
East Cardiff	✓	✓			✓		✓	✓
The Ridgeway National Trail	✓	✓		✓	✓	✓		✓
Sunderland	✓	✓	✓		✓	✓	✓	✓





- Selected photographs are provided in **Plates 5.2, 5.3** and **5.4** with commentary boxes illustrating these effects. The adverse effects were clearly significant at a local level.

**Plate 5.2: Adverse effects in the form of physical damage and effects on environmental resources – upland areas**

Photographic evidence	Description/Comment
	<p>Quantock Hills - tracks through woodland (outgrown beech enclosure hedges) with adverse effects on visual amenity, landscape character, wildlife habitat and other recreational users. The passage of motor vehicles is likely to have adverse effects on the roots of the trees and reduces the quality of the visual experience for other users. Passage by recreational users on foot, cycle and horse is not greatly affected; elsewhere, particularly on less well drained sections, the way was muddy and rutted thus affecting other users.</p>
	<p>Llantysilio and Maesyrchen Mountains, Denbighshire - Moel-yr-Gaer hill fort scheduled monument showing motorcycle track along the ridge and crossing the fort itself and motocross circuit on the flank of the hill. The hill fort is affected directly and through damage to its setting. There are clear visual impacts on the landscape and the significant loss of heather cover which may lead to erosion and is a nature conservation concern.</p>
	<p>Cross Fell, Cumbria - Visible damage to Moor House and Cross Fell SSSI by motor vehicles. Taken in August 2006 from the Pennine Way where it follows the Great Dun Fell-Cross Fell ridge. The damage to nature conservation interests is evident, though slight, and the greater inconvenience is probably to other users of the Pennine Way who may need to divert around the wet area. There is some deterioration of visual amenity.</p>
	<p>Vale of Neath, South Wales - Visual impact of fly tipping on a PRow following a forestry road.</p>



**Plate 5.3: Adverse effects in the form of physical damage and effects on environmental resources – lowland areas**

<i>Photographic evidence</i>	<i>Description/Comment</i>
	<p>Thurrock - Abandoned vehicle alongside PRow detracts from visual amenity for all users.</p>
	<p>Bracknell Forest – aerial photo showing severe deterioration of heathland landscape as the result of illegal use of motor vehicles. Reduced habitat value as the result of the loss of ground cover</p>
	<p>Sunderland – Tracks from illegal motorcycle use within Tunstall Hills SSSI with impacts on nature conservation and landscape value. Noise and impacts on public safety are also a concern in this area.</p>
	<p>Wood Street village, Surrey – Abandoned and burnt out motorcycle affects visual amenity.</p>

**Plate 5.4: Adverse effects on legitimate recreational users, landowners and occupiers and local residents**

Photographic evidence	Description/Comment
	<p>Llantysilio and Maesyrchen Mountains, Denbighshire – although this picture is taken on a road it illustrates the potential for conflict between illegal motorcycle use and legitimate users of the countryside. The motorcycle in the picture is not registered and was brought to the area in the white van on the right.</p>
	<p>Kelstedge, Derbyshire – Motorcycles on a route recorded as a bridleway on the definitive map resulting in potential conflict with users on foot, cycle or horse. Motor vehicle use impacts on the amenity enjoyed by other users and their safety.</p>
	<p>Cnewr Estate, Brecon Beacons National Park, South Wales – group of four quad bikes with one motorcycle on public footpath crossing land open to public access and introducing noise to remote upland area. Lead vehicle below the arrow.</p> <p><i>(Note that the quality of the original photograph precludes further enlargement)</i></p>
	<p>Bracknell Forest – public routes and public access areas can attract a wide range of users and illegal motor vehicle use raises serious concerns about public safety.</p>

### 5.3.6 *How is illegal motor vehicle use being controlled and managed?*

In the case study areas, illegal motor vehicle use was being controlled or managed in the following ways:

- Strategic working;
- Physical measures which include barriers, gates, fencing, rocks, etc;
- Signs to discourage illegal motor vehicle use;
- Use of legal powers, notably TROs;
- Partnership working between enforcement and management agencies and other stakeholders, for example landowners;
- Active wardening with a regular presence on site, for example a park ranger;
- Police enforcement which can range from a local community police officer acting on his or her own initiative to a major exercise involving many officers and resources including helicopter support;
- Education initiatives, generally an extension to the partnership approach and working at the community level particularly with motor vehicle user groups and young people;
- Provision to allow legal off-road use at a dedicated facility.

**Table 5.4** summarises where these measures were being used by case study. Control and management appeared most effective when all stakeholders were involved and a range of measures adopted.



**Table 5.4: Measures used to control or manage illegal MPV use**

<i>Case Study Area</i>	<i>Physical measures – barriers, gates, fencing, rocks, etc</i>	<i>Physical measures - signs</i>	<i>Legal measures - traffic regulation orders</i>	<i>Partnership working</i>	<i>Active wardening</i>	<i>Police enforcement</i>	<i>Education initiatives</i>	<i>Provision of legal facilities</i>
Llantysilio and Maesyryche n Mountains (Horseshoe Pass)	✓	✓		✓	✓	✓		Proposal
Cross Fell, Upper Teesdale	✓	✓		✓	✓ (game keepers)	✓		
Hope Brink and Kelstedge, Derbyshire		✓						
The Quantock Hills	✓	✓		✓	✓	✓	✓	
The Long Causeway, Wigan	✓			✓		✓	✓	
Thurrock	✓	✓		✓		✓	✓	Proposal
Afan Forest, South Wales	✓			✓	✓	✓	✓	
Bracknell Forest	✓	✓	✓	✓	✓	✓	✓	Proposal
Wood Street Village, Surrey	✓	✓	✓	✓		✓	✓	
Mansfield, Nottingham shire	✓	✓		✓		✓		Proposal
East Cardiff	✓	✓		✓	✓	✓	✓	Proposal
The Ridgeway National Trail	✓	✓	✓	✓	✓ - Voluntary	✓	✓	Un-official site closed
Sunderland	✓	✓		✓		✓	✓	

**Plates 5.5 and 5.6** illustrate examples of measure used to manage and/or control illegal motor vehicle use.

**Plate 5.5: Examples of measures to control and manage illegal MPV use – 1**

Photographic evidence	Description/Comment
	<p>Thurrock - heavy duty kissing gate preventing all MPV access to public footpath. Effective against all MPVs if associated fencing is secure.</p>
	<p>Mansfield, Nottinghamshire – use of cylindrical mass concrete bollards to prevent use by 4x4 vehicles. Not effective against motorcycles or quad bikes and the feature does not add to visual amenity.</p>
	<p>Rhondda, South Wales – Rocks placed to prevent unauthorised MPV access are ineffective where they can be circumnavigated by an off-road motorcycle or quad. In this instance, they are effective only against wider 4x4 vehicles</p>
	<p>Sunderland – Robust 'A' frame and horse friendly barrier. While small motorcycles can be pushed through the 'A' frame or lifted over the horse gate, such measures discourage use and can make apprehending illegal users easier.</p>

**Plate 5.6: Examples of measures to control and manage illegal MPV use – 2**

Photographic evidence	Description/Comment
	<p>Afan Forest, South Wales – Police operation at The Bwlch successfully apprehending two illegal motor vehicle users, one a juvenile. Task made easier as the motorcycle was bogged down and the rider was unable to make a getaway.</p>
	<p>Wood Street village – Use of TRO to control MPV use.</p>
	<p>The Ridgeway, Oxfordshire and Wiltshire – signs indicating the extent of motor vehicle passage rights</p>
	<p>Wigan – available educational material relating to off-road motor vehicle use.</p>
	<p>Wigan – Police enforcement through exercise focusing on illegal motor vehicle use at former mineral working site.</p>

# REVIEW OF PARTICIPATION IN THE ILLEGAL OFF-ROAD USE BY MPVS OF PROWS AND GREEN SPACES WITH PUBLIC ACCESS

# 6

## Review of participation in the illegal off-road use by MPVs of PRowS and green spaces with public access

### 6.1 The scope of this review of participation

This chapter reviews participation in the illegal off-road use by MPVs of PRowS and green spaces with public access. This is undertaken in four stages:

- **A review of the different types of illegal MPV use** that have been identified in the research;
- **How many off-road MPVs and what types** - a review of the underlying potential for off-road use of MPVs based on the sales and stock of off-road vehicles;
- **Off-road MPV users** - a review of the underlying potential for off-road use of MPV based on the number of drivers and their behaviour; and
- **Engagement with MPV users**, including some illegal users, to establish an insight into their activities.

The review of the different types of illegal MPV activity draws together the results of the national survey, LHA and NPA survey and case studies, and sets out:

- the different types of illegal MPV activity that have been identified;
- where and when these activities take place;
- who is participating; and
- what problems does this use give rise to?

In reporting participation, it is essential to understand the MPV types used and off-road disciplines as a whole. **Appendix 6.1** summarises the MPV types that have been found engaging in illegal off-road use. **Appendix 6.2** summarises off-road MPV disciplines as a whole. Note that participation in these can be perfectly legal and our interest is only in those participants who in some way transgress the law.

Consideration of the underlying potential for off-road use of MPVs based on the sales and stock of off-road vehicles includes a review of the statistics that are available which may help explain both existing and potential illegal off-road use of MPVs. A similar approach has been taken to the available driver statistics.

The views of participants in off-road MPV use are in our view essential in identifying effective solutions to the management and control of illegal MPV use. The research has been reasonably successful in engaging with those whose off-road MPV activity is within the law. Engaging with those who operate outside the law has been more problematical but it has been possible to talk with a small number of these people on an informal basis. Furthermore in talking to those off-road users who now operate within the law, most are happy to admit that they have transgressed on occasion in the past.

While the research has uncovered some existing hard data and added much original data, the sporadic nature of illegal off-road activity makes it impossible to evaluate the subject without some recourse to anecdotal information and informal views.

## 6.2 Illegal off-road MPV use

### 6.2.1 *Characterisation of illegal off-road MPV use into categories*

Based on the research we have characterised illegal off-road MPV use into the following types:

- **Neighbourhood off-road activity** - typically by young people, within and on the edge of urban areas and on any routes or land that are available including PRowS, cycle tracks, parks and nature reserves. This activity often extends onto privately owned vacant or derelict land which is accessed using public routes or public access land. While small motorcycles appear to be the most commonly used MPVs, this category includes some use of quad bikes;
- **Off-road activity for socialising** - in which people drive off-road to socialise. They may engage in a range of specific activities, some relatively innocuous, for example drinking parties, others involving crimes, for example the torching of stolen vehicles. These activities can take place almost anywhere but are perhaps more frequent close to residential areas. In general, this activity involves illegal use in terms of the absence of rights of passage in a MPV. It may involve breaches of other law but our view is that it is mainly in cars which are registered, taxed and driven by someone with a driving license. Note that despite its name this activity can be anti-social. We tried to think of a better name for this activity, which is essentially social for those participating in it but anti-social for those other people affected by it, but have not come up with a better description;
- **Off-road trail riding** - primarily on motorcycles with good off-road capability, in the countryside particularly, but not exclusively, on open moorland. Note that this is not to be confused with the legal activity of trail riders with road legal motorcycles who exercise legal rights of passage for MPVs, principally, but not exclusively, on BOATs;
- **Practice for off-road events** - the use of off-road motorcycles on areas of land to practice for particular types of events, for example motocross;
- **Fly tipping and vehicle dumping** - The use of all motor vehicles, except motorcycles, to fly tip in the countryside and the dumping of end-of-life vehicles in the countryside.

Each of these is reported in more detail below. The analysis is necessarily largely based on the subjective judgement of the consultants based on the relatively patchy evidence that has been assembled. It was clearly not practical to undertake an interview survey with the perpetrators of illegal MPV use. The sporadic nature of all of the above activities makes them difficult to pin down. However, there is at least some good hard evidence that all of the above are present and causing concerns in at least some places. The challenge is to decide how big a problem each of these is. The focus of the analysis is:

- What – a description of the different types of illegal MPV use that have been identified;
- Who participates;
- Where the activity takes place;
- When the activity takes place;
- What's the issue with the activity summarising the adverse effects if any.

The analysis attempt to summarise what typically takes place with each of these activities. We are confident that these categories cover most illegal motor vehicle use present although there are always some activities are untypical. Some activities fall within two categories, for example should the torching of a stolen vehicle may be regarded as part of off-road activity for socialising and as fly tipping and vehicle dumping.

### 6.2.2 *Neighbourhood off-road activity*

This activity was both reported in the questionnaire responses from LHAs and found in the case studies in Wigan, Thurrock, Afan Forest, Bracknell Forest, Surrey, Mansfield, Cardiff and Sunderland. It appears to be one of the most pervasive forms of illegal MPV use and, on the



basis of the desk study, is an area which gives rise to considerable public concern, particularly at local level.

#### *What?*

This activity involves the driving of unregistered MPVs, predominantly small motorcycles but also go-peds and small quad bikes on any routes or land that are available including PRowWs, cycle tracks, parks and nature reserves. The activity often extends onto privately owned vacant or derelict land which is accessed using public routes or public access land. Driving may be along routes or in the form of circuits. The speed of the vehicles varies but where motocross machines are used speeds can be quite high. At the other extreme it includes the use of electric toy quads with very modest capabilities that can barely reach walking pace. **Plate 6.1** shows an example of neighbourhood off-road activity.

There is a social aspect to this activity with a tendency for groups of, predominantly young people, to hang out together. In some cases this activity involves young people who do not have driving licenses or insurance and who have driven unregistered motorcycles on roads to reach the venue selected for the activity.

**Plate 6.1: Neighbourhood off-road motorcycle activity in Mansfield, Nottinghamshire**



#### *Who?*

This activity typically involves young people, living in the near vicinity of the routes or areas used. It has not been practical to determine with any certainty their age but it appears to involve primarily young males between the ages of 12 and 20. It thus includes at least some participants who are below the age at which a motorcycle can be driven on a public road. There is some suggestion that it is associated with residential areas with high multiple deprivation; at Cardiff some of the local residential areas clearly fell within this category but it was not possible to be sure that the participants came from those areas. The argument has logic in that households with relatively little money may not be able to afford participation in formal legal off-road activity or at dedicated sites and may then choose what is affordable to them, a cheap imported Chinese mini bike or an older second-hand trail bike used in places readily accessible from home. Consequently, activity tends to occur within a small radius of residential areas – which means that the home area of most of the participants is relatively easy to identify.

### *Where?*

This activity typically appears to take place within and on the edge of urban areas and on any routes or land that are available including PRowS, cycle tracks, parks and nature reserves. The activity appeared to be present in a number of the case study areas:

- in Wigan, although not specifically on the trail studied in detail;
- at Sunderland, a multi purpose trail for pedestrians and cyclists and a nature reserve were being used;
- at Cardiff both trails and parkland were used;
- at Mansfield, bridleways and a nature reserve were being used with the former being used to access privately owned vacant or derelict land.

PRowS in urban fringe areas and open land with public access were the two categories identified most often by responding LHAs for illegal MPV use which was a problem of major or moderate severity.

### *When?*

The limited data that were collected point to this form of illegal use taking place in the late afternoon and early evening on weekdays and in the afternoon at weekends. At Cardiff both the logger data and the incident record support this conclusion. Both the Mansfield and Sunderland logger data follow a similar pattern. These data fit with the likely involvement of young people between the ages of 12 and 20 who are at school or college during the day and participate after lessons/lectures end. Data was not collected for any winter period but it is reasonable to assume that in winter activity is confined to the weekends because of the limited length of daylight. The Cardiff incident record suggests that the late afternoon and early evening activity is mainly when there is daylight.

### *What's the issue?*

The key concerns created by neighbourhood off-road activity are:

- The adverse effects of MPV use on non-motorised users of routes, parks and public areas. In the extreme the use of motorcycles appears to be such as to effectively create a no-go area for other users at particular times of the day, notably late afternoon/early evening on schooldays and mid to late afternoon on weekends. Other effects on amenity that have been noted are MPVs being driven across sports pitches while games are in progress and the fear and intimidation felt, particularly by older people, when motor vehicles are present in a public recreation area. Dogs are said to have been targeted by some riders at these sites.
- The adverse effects of noise from MPV use in these areas on those living close by. This has been observed in Cardiff and at Afan Forest a concern that has arisen under the community policing initiative is noise from motorcycle use affecting those living in the local area.
- The safety hazards that arise from having illegal MPV use in an area which is expected to be free of such activity and where non-motorised users are often vulnerable, particularly older people and children; for example the Taff Trail in Cardiff is well used by parents with young children on pedal cycles because it is perceived as a safe environment for this activity.
- Physical damage to playing fields, parks, nature reserves and facilities occurs as a result of this activity. In some cases this is minor, for example a single tyre track across a playing field was noted in Cardiff. At the other extreme damage can be of major concern, for example the tracks around the quarry area in the Tunstall Hills and Ryhope Cutting SSSI in Sunderland. Severe damage to sensitive areas, for example moorland, woodland, heath or grass, can be caused by levels of MPV use of less, probably much less, than one vehicle per day, as indicated in the Afan Forest case study.

In overall terms neighbourhood off-road activity appears to be very widespread in urban areas in England and Wales. It appears to be particularly associated with large housing estates with relatively high levels of multiple deprivation on the edges of towns and cities.



### 6.2.3 *Off-road activity for socialising*

This is essentially a form of anti-social behaviour which involves groups of people parking up off-road on open land and engaging in some form of social activity which will often include drinking. Off-road use of MPVs is simply the means whereby people access the site although there may be some fun to be had in driving off-road, generally in vehicles with no special off-road capability. Off-road activity for socialising can be relatively innocuous and of little concern to anyone. At the other extreme, it can involve extensive littering, consumption of alcohol by underage drinkers, taking of illegal drugs, a general disregard for the countryside and green space and other criminal activity, for example the torching of stolen vehicles and arson, often of forest, moor and heath in dry weather.

Some clues to the presence of this activity were noted during the national survey, for example in one place in West Sussex a number of empty beer cans had been left alongside a PRoW that was easy to drive along in a car. No real evidence for off-road activity for socialising came out of the LHA and NPA surveys but this is to be expected as the questions were directed towards conventional off-road use as a recreation. Off-road activity for socialising, some with an anti-social element, was noted in the case studies on Afan Forest, Bracknell Forest, Surrey, Mansfield, Cardiff and Sunderland.

#### *What?*

In the extreme off-road for socialising activity can manifest itself as a 'rave' involving relatively large numbers of people, up to 1,000 have been quoted in one BBC news report (BBC website 29<sup>th</sup> August 2006), and live music. In many cases, this may involve land without public access but it is likely that PRoWs and public access land have been involved on occasion. At a local level it is much more likely to involve a handful of people and vehicles driving off-road to a secluded location for leisure purposes. In general, this activity is in cars that are registered and insured although stolen vehicles may sometimes be involved. In the Afan Forest, the local police suggested that vehicles engage in racing on forest roads and on one occasion during the research a group of young people in two vehicles were seen being driven around on forest roads on land north of Glyn-neath, South Wales. **Plate 6.2** shows the possible aftermath of off-road activity for socialising. In Sunderland, four-wheeled vehicles were used to crash through barriers and driven around the open green land and trail before being torched.

**Plate 6.2: Possible aftermath of off-road activity for socialising – Afan Forest, South Wales**



### *Who?*

Again this activity appears to typically involve people living in the vicinity of the routes or areas used. It has not been practical to determine with any certainty their age but it appears to involve primarily young people who are old enough to drive legally and who often have their own cars.

### *Where?*

This activity appears to take place almost anywhere that is away from public scrutiny. The activity appeared to be present in a number of the case study areas:

- on the Quantocks Hills, where it appeared to be associated with racing of small hatchbacks on Forestry Commission land at Rams Combe;
- at Afan Forest on Forestry Commission land;
- at Sunderland, where a multi purpose trail for pedestrians and cyclists and a nature reserve were being used;
- at Cardiff, both trails and parkland were used; and
- at Mansfield, bridleways and a nature reserve were being used with the former used to access privately owned vacant or derelict land.

PRoWs in urban fringe areas and open land with public access were the two categories identified most often by responding LHAs for illegal MPV use which was a problem of major or moderate severity.

### *When?*

It appears that this activity often takes place in the evening and at night. The activity is likely to be more frequent in summer when weather conditions are better and daylight hours are longer. At Afan Forest, South Wales Police described two events which took place during the night. One of these involved a stolen car that was torched; the other involved an accident on a forestry road in which one person was injured and had to be hospitalised. At Mansfield the logger picked up two MPVs between the hours of 22.00 and 02.00 and these may be explained by off-road activity for socialising.

### *What's the issue?*

The concerns created by off-road activity for socialising are:

- Following social off-road activity, areas may be left littered, for example with alcohol containers, food containers and the remains of barbecues.
- Where PRoWs and public access land affected are close to residential property there may be adverse effects from noise late at night.
- Feelings of intimidation and establishment of de facto 'no go' areas at certain times of day;
- The safety hazards are mainly to participants who may be at risk in driving off-road particularly at night.

The presence of off-road activity for socialising depends to some extent on the availability of other venues for this type of activity. These will include any other, generally secluded, places where a group of cars can be parked, for example lay-bys on minor roads and car parks in the countryside. However, off-road activity for socialising is likely to be widespread across England and Wales with some emphasis on locations easily accessible from towns and cities.

#### 6.2.4 *Off-road trail riding*

This activity was both reported in the questionnaire responses from LHAs and NPAs and found in the case studies on Llantysilio and Maesyrychen Mountains (Horseshoe Pass), Cross Fell,

Derbyshire, Quantock Hills, Wigan, Afan Forest, Bracknell Forest and the Ridgeway. It appears to be one of the more common forms of illegal MPV use and, on the basis of the desk study, is an area which gives rise to considerable public concern, particularly from non-motorised users and organisations with a conservation remit. The off-road section may form only one section of a longer route, the rest comprising surfaced roads, perhaps up to 100 miles in length.

### *What?*

This activity involves the driving of off-road motorcycles with good off-road capability along routes in the countryside. These routes can be either linear or circular routes within an extensive area. The off-road motorcycles used are typically of the trials/enduro type and the research has found both motorcycles with number plates, which are assumed to be fully road-legal in terms of road tax, test certificate and insurance, and those without. **Plate 6.3** shows a typical example of off-road trail riding

Trail riding is an activity which can be undertaken within the law on some routes. This is best exemplified by the approach of the Trail Riders' Fellowship (TRF) whose general philosophy and voluntary code of conduct is set out in **Appendix 6.3**. In the research, illegal off-road trail riding, which is clearly not sanctioned by the TRF, has been identified, and on occasion witnessed first hand. At the extremes, even illegal activity can vary from a considerate low speed activity undertaken in a manner that fully recognises the presence of other users and the risk of damage to the route to a less considerate, and generally faster, approach that presents a risk to other users and causes damage to the route or area used.

**Plate 6.3: Illegal off-road trail riding on common land at Garth Hill north of Cardiff. The participants, riding off-road motorcycles without registration plates, continued into the Forestry Commission woodland below**



### *Who?*

This activity appears to typically involve a very wide range of age groups from teenagers through to older people. The Afan Forest case study revealed two cases where young people

under 16 were involved, one girl and one boy, who in both cases were accompanied by a parent. At Afan Forest, a boy under 16 was participating with his father on motorcycles without registration plates and, presumably, insurance. To reach the route on which they were apprehended by the police, they would have needed to use public roads.

### *Where?*

This activity appears to take place on open land, including upland moorland and lowland heath, and on PRoWs of sufficient width, alignment and surface quality to allow reasonably easy passage by an off-road motorcycle.

The activity appeared to be present in a number of the case study areas:

- at Llantysilio and Maesyrychen Mountains, Denbighshire it appeared that trail riding was taking place along the main ridgeline;
- at Cross Fell along all of the PRoW studied which include a footpath and a bridleway;
- at Thurrock along a footpath although we think it more likely that neighbourhood off-road activity is more prevalent;
- in Derbyshire trail riding was evident at both Hope Brink, notably on CRoW access land, and Kelstedge, on a lowland bridleway;
- at Afan Forest where it was clear that trail riding was taking place along the main ridgelines between the valleys and within the forestry areas;
- at Bracknell Forest and Mansfield, there appeared to be some trail riding on a circuit basis although we think it more likely that neighbourhood off-road activity and practice for off-road events are more prevalent;
- at Cardiff it was recorded in the incident record on upland moorland and forestry to the north of the city; and
- on the Ridgeway it appeared that trail riding was taking place along the main ridgeline.

It appears that the following are particularly attractive for trail riding:

- ridges followed by good trails, often crossing open moorland;
- lowland heath;
- forest roads; and
- any PRoW of sufficient width, alignment and surface quality to allow reasonably easy passage by an off-road motorcycle, particularly where they are of sufficient length, by themselves or with other routes, to provide a decent trail ride.

Open land with public access was identified most often by responding LHAs as the location at which they felt there was an illegal MPV use problem of major or moderate severity.

### *When?*

The data that were collected point to this form of illegal use taking place in the late afternoon and early evening on weekdays and in the late morning and afternoon at weekends. Data was not collected for any winter period but it is reasonable to assume that in winter activity is confined to the weekends.

### *What's the issue?*

The concerns created by trail riding activity are:

- The adverse effects of MPV use on non-motorised users of routes and public access areas. At Kelstedge, Derbyshire there is concern about the impact on equestrian users. At Afan Forest the use of forest roads results in conflict with walkers and cyclists.
- Where PRoWs and public access land affected are close to residential property, there may be adverse effects from noise.
- The safety hazards that arise from having illegal MPV use in an area which is expected to be free of such activity.



- Physical damage to moorland and PRow surfaces as a result of this activity. At the extreme, damage can be of major concern, for example the tracks along the ridgelines in South Wales. Severe damage to sensitive areas, for example moorland, woodland, heath or grass, can be caused by levels of MPV use of less, probably much less, than one vehicle per day, as indicated in the Afan Forest case study.

#### 6.2.5 *Practice for off-road events*

This activity was found in the case studies on Llantysilio and Maesyrychen Mountains (Horseshoe Pass), Quantock Hills, Wigan, Bracknell Forest and Mansfield. Although this form of illegal MPV use was only identified in five of the 13 case studies, it appears to be an area of particular concern for environmental resources, the landscape, wildlife habitats and archaeology. While we have described this as practice for events, some of those who participate will simply be engaging in activities similar to those performed at enduro, trials and motocross events without any intention of ever competing in such an event.

##### *What?*

This activity involves the driving of off-road motorcycles with good off-road capability on circuits within small areas. The circuits will include more difficult sections, for example steep uphill and jumps. The off-road motorcycles used are typically of the trials/enduro type and it appears that most motorcycles used for this activity are not registered for road use. The activity may include informal racing.

Descriptions of the competitive off-road MPV disciplines are given in **Appendix 6.2**. Almost all of the evidence found related to the use of these sites for practising for motorcycle events. These practice areas appear to be used for the honing of off-road motorcycle skills generally but at Llantysilio and Maesyrychen Mountains (Horseshoe Pass), Denbighshire a motocross enthusiast commented to us that the circuits formed were effectively motocross circuits. In the Quantock Hills one site was used for racing of small cars. While it was not clear whether this was an activity in its own right or practice for an event, the former is regarded as more likely. **Plate 6.4** shows a circuit used for practice for off-road events.

**Plate 6.4: Motorcycle circuit viewed from the Moel yr Gaer Hillfort**



### *Who?*

This activity appears to typically involve a very wide range of age groups from teenagers through to older people probably reflecting the age spread within these disciplines. It appears that the best venues, even where illegal, attract people from outside the local area. At Llantysilio and Maesrychen Mountains, Denbighshire, vans had been used to bring motorcycles to the site, some from over 100 miles from the site. It was not clear whether these participants were engaging in trail riding or practice for off-road events.

### *Where?*

This activity appears to take place on open land, including upland moorland and lowland heath, and on land associated with mineral working. The activity appeared to be present in a number of the case study areas:

- on the Llantysilio and Maesrychen Mountains (Horseshoe Pass), Denbighshire it appeared that practice for off-road events was taking place on two circuits on the open mountain close to the ridgeline and within a quarry close to Horseshoe Pass itself;
- on the Quantock Hills this activity appeared to be limited to Forestry Commission land on which a loop of gravelled track is used by “boy racers”;
- at Wigan there was no evidence within the case study of the Long Causeway but the activity was present in the Wigan area on the Bickershaw Colliery site and on an opencast site to the west of the M6 (north of Junction 25);
- at Bracknell Forest it appeared that practice for off-road events was taking place on a series of circuits at Poor’s Allotments on drier open heath;
- at Mansfield, practice for off-road events appeared to be taking place on The Desert, an area associated with mineral working but with the general character of dry heath.

It appears that the following are particularly attractive for trail riding:

- open moorland;
- open lowland heath;
- forest roads where these form a circuit;
- former mineral working land where the landform provides the necessary challenges; and
- coastal areas with easy access, typically beaches and sand dunes, and relatively few other people present.

Open land with public access was identified most often by responding LHAs as the location at which they felt there was an illegal MPV use problem of major or moderate severity.

### *When?*

As with trail riding the data that were collected point to this form of illegal use taking place in the late afternoon and early evening on weekdays and in the late morning and afternoon at weekends. Data was not collected for any winter period but it is reasonable to assume that in winter activity is most likely to be at the weekends.

### *What’s the issue?*

The concerns created by practice for off-road events activity are:

- The adverse effects of MPV use on non-motorised users of routes and public access areas are apparent in some areas. At Llantysilio and Maesrychen Mountains the combined effects of trail riding and practice for off-road events are such as to discourage non-motorised users from, for example, walking the ridgeline. At Bracknell Forest and Mansfield practice for off road events may affect non-motorised users in those areas.
- Where PRoWs and public access land affected are close to residential property there may be adverse effects from noise. This is likely to be particularly adverse where a circuit is repeated over an extended period. It should be noted, however, that all of the sites on which we found practice for off-road events activity were some way from residential property.

- The safety hazards that arise from having illegal MPV use in an area which is expected to be free of such activity.
- Physical damage to moor, heath and other sensitive areas as a result of this activity. At the extreme damage can be of major concern, for example the circuits on Llantysilio and Maesyrychen Mountains and at Poor's Allotments, Bracknell Forest. Severe and long lasting damage to such sensitive areas can be caused by low levels of MPV use.

#### 6.2.6 *Fly tipping and vehicle dumping*

This activity was found or referred to in one form or another in the case studies on the Quantock Hills, Thurrock, Afan Forest, Surrey, Mansfield, Cardiff, the Ridgeway and Sunderland. It has also been noted in Cardiff away from the case study area. Because the research was focused on recreational use of MPVs the presence of this activity may have been overlooked in some of the case studies or regarded as something outside the study remit.

##### *What?*

This activity involves the use of MPVs, typically light commercial vehicles and cars to drive off-road and dump waste in the countryside. The waste is often from domestic sources and includes waste from small scale building works and old furniture and appliances. Some waste is from businesses including tyres and building waste. In the extreme this can include harmful, including toxic, materials, notably asbestos containing materials from building demolition. The dumping and burning of old vehicles, including motorcycles, is another aspect of this activity. **Plate 6.5** shows the possible aftermath of fly tipping on a bridleway.

**Plate 6.5: Waste construction materials dumped on bridleway at Bwlch yr Afan immediately south of A4107**



##### *Who?*

Although no clear evidence was found as to who might be responsible, it seems likely that most fly tipping is undertaken by people who live near the site affected or do business in the local area. However material of a harmful nature may be brought in from further afield to reduce the risk of detection. Vehicle dumping and burning is likely to be associated with stolen vehicles and with end-of-life vehicles.

### *Where?*

This activity appears to take place on any land readily accessible from good standard tracks or forest roads. It appears to be particularly prevalent in the first 100 metres or so from roads and in areas which are not in the public view, for example overlooked by busy roads or dwellings. The activity appeared to be present in a number of the case study areas and other areas:

- on the Quantock Hills and on the Ridgeway National Trail, fly tipping was generally referred to only as a problem which the authorities had to deal with;
- at Afan Forest, the Forestry Commission stated that they often had to clear fly tipped material from forest areas adjoining forest roads and that this material included harmful material with high disposal costs;
- At Thurrock, Afan Forest, Surrey and Sunderland, vehicle dumping and burning was present;
- at Mansfield, Natural England commented that at one time fly tipping was the major problem in the area;
- at Cardiff there is an ongoing problem of fly-tipping on the edge of the city and this affects some public footpaths close to their junctions with roads.

Although this problem is reduced since the advent of household waste disposal facilities, it remains an issue where people are not prepared to take their waste to such facilities or, in the case of commercial operators, not prepared to pay the disposal costs. It is likely to worsen if charges for legitimate waste disposal increase.

### *When?*

No evidence was available as to when this activity takes place although it is likely that times when other people are not present, for example night-time and early in the morning, may be preferred.

### *What's the issue?*

Fly tipping in association with off-road use of MPVs is an extension of the fly tipping problem generally. The concerns created by "off-road" fly tipping activity are:

- Fly tipping reduces visual amenity and is costly to remove particularly where it involves hazardous or hard-to-dispose-of materials, for example asbestos cement sheets or vehicle tyres. Illegal use of MPV facilitates fly tipping away from roads and out of immediate public view.
- The safety hazards that arise from harmful or toxic materials, which can, for example, include asbestos-containing materials, glass and other waste with sharp edges and toxic chemicals, being dumped within areas open to use by the public.
- Pollution of the countryside as a result of this activity may be caused by harmful materials, for example asbestos-containing materials, oils and plastics. These may have adverse effects, for example on wildlife, habitats and on farm stock.

## **6.3 How many vehicles and what types?**

In this section we review the underlying potential for off-road use of MPVs based on the sales and stock of off-road vehicles. Off-road MPV use depends on suitable vehicles being available and sales of these vehicles are considered to be an indicator, albeit far from perfect in that many off-road vehicles are used mainly on roads, of potential participation. The review is relatively easy for off-road motorcycles and all-terrain vehicles. It becomes more difficult for standard four-wheel drive vehicles, car and commercial vehicle types. Such vehicles are typically bought for reasons that are unrelated to off-road MPV activity, for example the perception by some people that high 4x4 'Chelsea' tractors are safer than other vehicles or more practical reasons such as the need to tow a caravan or horse box. Because of this, sales of such vehicles are considered an unreliable indicator of participation. A full discussion of the



motor vehicle statistics that we have reviewed is set out in **Appendix 6.4**. This section summarises the key data.

### 6.3.1 *Estimate of national stock of MPVs suited to off-road use excluding 4x4 cars and commercial vehicles*

**Table 6.1** sets out an estimate the overall national stock of MPVs with off-road capability excluding full size 4x4 cars and commercial vehicles.

**Table 6.1: Estimate of national stock sales of MPVs suitable for off-road use (excludes 4x4 car and light commercial vehicles)**

<i>MPV type</i>	<i>Approximate annual sales</i>	<i>Assumed average life</i>	<i>Estimated national stock (to nearest 5,000)</i>	<i>Potential for illegal use on PRowS and on green spaces with public access</i>
Motorcycles with off-road capability, i.e. trail/enduro motorcycles registered for highway use	10,000	12	120,000	Potential for illegal use on all but the most rugged terrain
Off-road competition motorcycles not registered for highway use	13,550	9	120,000	Potential for illegal use on all but the most rugged terrain
Older off-road motorcycles taken off the road and no longer registered	-	-	12,000	Potential for illegal use on all but the most rugged terrain but may be limited by age and condition
Mini bikes and mini-motos	135,000 (average for 2004 and 2005 based on MCI source)	3	400,000	Limited off-road capability. Potential for illegal use limited to good standard surfaces
ATVs (mainly ATVs for agricultural and land management use)	7,500	7.5	55,000	Mainly used for authorised purposes
Sports ATVs	6,750	7.5	50,000	Potential for illegal use on all but the most rugged terrain
Quadricycles	6,500	7.5	50,000	Limited off-road capability. Potential for illegal use limited to good standard surfaces
Total with genuine off-road capability	37,800		357,000	
Total including vehicles with limited off-road capability	94,300		802,000	

As an indicator of potential participation in off-road recreational MPV use, the above estimates should be treated with caution as:

- It is not possible to say what proportion of these machines is being used off-road, or indeed, illegally on PRowWs and/or public open access areas;
- The stock of vehicles may not be a reliable guide to actual use. Thus a high quality off-road trials bike used for long distance trail riding by an enthusiast may be used far more than a mini-moto motorcycle used infrequently and for very short trips;
- Because some vehicles do not fall clearly into types for which robust statistics are compiled, there is a risk of some double counting and/or some MPVs not being counted at all.

#### 6.3.2 *4x4 cars and light commercial vehicles*

No attempt has been made to estimate the sales or stock of these vehicles. As indicated earlier these vehicles are usually bought for reasons that are not connected with their off-road potential. While the stock is clearly large, possibly in excess of one million vehicles, the proportion participating in off-roading is likely to be a small percentage of this number. The off-road capability of these vehicles varies considerably. The more capable, for example the Land-Rover Defender, are fitted with large wheels and high range/low range gearboxes and have good ground clearance. At the other extreme estate cars which resemble two wheel drive vehicles in most respects, are fitted with four wheel drive which allows the vehicle to cross a grass field in wet conditions.

There are significant numbers of older vehicles in this category, notably earlier Land-Rovers, with good off-road capability due to the longevity of certain models and the ready availability of parts for them.

### 6.4 Off-road MPV users

In this section, we review the underlying potential for off-road use of MPVs based on the number of drivers and what is known about their behaviour. In practice, the section focuses on off-road motorcycle users because:

- more is known about their behaviour because they are easier to separate as a group than drivers of 4x4 vehicles, which potentially include most of the population in England and Wales above the age of 17 years; and
- from the responses to the LHA and NPA surveys and the case studies it is evident that illegal use of MPVs is mainly by motorcycles.

#### 6.4.1 *The number of off-road motorcyclists*

The number of active motorcyclists is thought (DfT 2005) to be about 1.5 million. This is based on those people who had made at least one journey by motorcycle in the survey week, as opposed to all of those with motorcycle qualifications on their driving licenses. However, the small percentage of motorcycles sold in the trail/enduro category suggests that relatively few of these will be 'off-road' riders. Estimates of rider participation are hindered by a number of factors including the limited available records from governing bodies, problems in accounting for day-licenses and the potential for overlap between different disciplines caused by multiple license-holders. There are several key disciplines of off-road motorcycle sport in the UK. The following figures here were sourced from the sporting bodies responsible for each type of event and from the MCI:

##### *Motocross*

Motocross is very popular, but rider numbers are difficult to estimate. There are believed to be between 9,000 and 15,000 competition riders in the UK.

### *Youth Motocross*

This follows the same structure as other Motocross events. The distinction is that the riders are much younger. The bikes are much smaller than the adult versions and it is very popular across the UK. Estimates suggest between 4,000 and 6,500 youth riders in the UK.

### *Enduro*

Estimates suggest a range of between 3,000 to 8,000 Enduro riders in the UK.

### *Trials*

Participation is strong in both youth and adult trials. Individual events can attract upwards of 150 riders while total rider numbers in the UK are at least 11,000 and possibly more than 15,000.

### *Recreational (non-competitive) off-road riding*

This category covers trail-riding (green-laning) and also recreational riding on practice tracks. Practice tracks, referred to later under provision, are used by a variety of people, from competitive riders practicing for their next event to more casual riders out for a bit of fun on their bikes. These tracks are very popular and there are estimated to be 150 in the UK as a whole. It is estimated that 12,300 riders in the UK participate in recreational non-competitive off-road riding.

**Table 6.2** summarises the estimates of participant numbers by discipline. In broad terms, the total number of participants in off-road motorcycling appears to be in the range of 40,000 to 55,000 participants. Note that this represents very much the organised end of the motorcycling spectrum and may represent some double counting (as people may engage in more than one activity). Most of these participants are members of one or more of the motorcycling organisations and are likely to have some awareness of the legal situation regarding motorcycle use.

**Table 6.2: Estimates of participants by off-road motorcycling discipline 2006**

<i>Discipline</i>	<i>Low estimate</i>	<i>High estimate</i>
Motocross	9,000	15,000
Youth motocross	4,000	6,500
Enduro	3,000	8,000
Trials	11,000	15,000
Recreational (non-competitive) off-road riding	12,300	12,300
Total	39,300	56,800

Source: MCI

There appears to be a significant mismatch between these estimates of the number of participants and the number of motorcycles with good off-road capability set out in **Table 6.1**, 120,000 trail/enduro motorcycles registered for highway use and 120,000 off-road competition motorcycles not registered for highway use. Even allowing for the fact that many motorcyclists will own more than one machine, 240,000 motorcycles for some 60,000 participants suggests that there may be a significant number of off-road motorcyclists who are not members of any organisation and who do not participate at a formal level. It is considered that unaffiliated motorcyclists are perhaps more likely to participate in illegal use of MPVs than those who are members of a motorcycling organisation. Unaffiliated motorcyclists are not subject to the codes of any organisation, for example the TRF guidance on responsible trail riding.

#### 6.4.2 *The profile of motorcycle users*

DfT statistics for 2006 suggest that:

- More than half (52%) of active motorcyclists are aged between 30 and 49;
- 27% of active motorcyclists are over 50; and
- 20% are between 16 and 30 years of age.

These figures take no account of off-road motorcyclists under the age of 16 years.

The number of participants in youth motocross appears to be some 30% of all participants in motocross and 10-11% of all participants in off-road motorcycling discipline. While primarily for those 16 and under youth motocross is understood to extend up to 21 years. There are youth trials and youth enduro but no figures available on participation. Recreational off-road riding by those under 16 is illegal on any highway which includes all BOATs. Legal recreational off-road riding by those under 16 would be confined to the use of private land. On the basis of this limited information the following broad assumptions have been made:

- 85% of participants in off-road motorcycling disciplines are over 16 years of age; and
- 15% of participants in off-road motorcycling disciplines are under 16 years of age.

Applying these proportions to the estimated participants in off-road motorcycling disciplines in **Table 6.2** suggests that between 5,900 and 8,500 young people participate in the off-road motorcycling disciplines. Applying the DfT proportions to the remainder suggests that:

- Between 17,400 and 25,100 are aged between 30 and 49 years of age;
- Between 9,000 and 15,300 are over 50 years of age; and
- Between 6,700 and 9,700 are between 16 and 30 years of age.

A separate estimate of the numbers of 16-30 year olds involved in motorcycling comes from Compulsory Basic Training (CBT) and accident statistics. These suggest a current total of 125,000 riders in this age band. Given that 7.4% of machines sold are trail/enduro, this might equate to 9,250 riders with off-road capable machines. Again, this is considered to be probably an underestimate as, especially with the advent of cheap Chinese and Taiwanese models, trail/enduro machines are generally cheaper than 'road' bikes and thus more accessible to young people. Many are sold over the internet and may escape capture by official statistics.

Given this deduced small number of participants, it is notable that all respondents to our questionnaire indicated that the highest proportion of illegal activity on average was by users aged between 16 and 30 years of age. In contrast, only 6% of illegal users on land managed by NPAs were thought to be under 16 but 37% were considered to be between 30 and 55 years of age. This might indicate that younger riders are more likely to be active nearer to the centres of population where they live whereas older riders will travel further afield or prefer remoter countryside (and can afford the road legal machines or vans to get them there).

A Government sponsored study looked at uninsured driving and was discussed in the Government's Motorcycling Strategy (DfT 2005). The study analysed statistics on convictions in 2001 in England and Wales, which showed that over 90% of those convicted of uninsured driving were male. Furthermore, almost 60% of convicted males were aged under 25 and almost half of those were under 20. This suggests that there are significant numbers of young male riders who are riding without insurance (i.e. illegally).

Women represent about 15% of the motorcycling population (MCI 2006) and, of these, 11% ride 'off-road' style bikes, although it is not known how many actually venture off-road.

Motorcycle ownership statistics show higher ownership of motorcycles in the south and east, relative to the north and west (including Wales). This may correlate with prevailing weather conditions in the warmer south and drier east favouring the use of motorcycles.

More detail on off-road motorcycle user statistics is provided in **Appendix 6.5**.

#### 6.4.3 *When do motorcyclists ride?*

The available evidence is that motorcyclists are most active:

- Between May and September with a peak in August. The quietest months for motorcycling are January and February; and
- At the weekends rather than during the week and particularly on Sundays.

The pattern appears to confirm that motorcycling today is predominantly a leisure activity rather than a means of transport and we would expect that this is particularly true of off-road motorcycling. There will be exceptions to the above pattern, for example some motorcyclists are likely to seek out quiet times of the year when other recreational users are absent. **Appendix 6.5** sets out some additional data which tends to corroborate the above evidence.

#### 6.4.4 *The number of off-road users of other MPVs*

It has not been possible to estimate the number of off-road users of other MPVs. In terms of those who belong to MPV user organisations, the following gives some indication of participation:

- The All Wheel Drive Club states that it has 2,500 members in the UK and throughout the world;
- The Association of Rover Clubs has seven marque clubs and 30 local clubs and all clubs are required to have at least 25 members. If the assumption is made that the marque clubs average 250 members and the local clubs 50 members a total membership of 3,250 can be postulated.

In terms of organised 4x4 users a figure of circa 5,000 in the UK can be postulated. This clearly represents a small fraction of potential 4x4 users based on the likely 4x4 vehicle stock.

#### 6.4.5 *The profile of off-road users of other MPVs*

No specific information is available on the profiles of other MPV users. However, in comparison with motorcyclists we would expect this to be more of a family/group activity given that many 4x4 vehicles can carry at least 4 people.

#### 6.4.6 *When are other off-road MPV users active?*

No specific information is available on when other MPV users are active but for recreational activity we would expect that this would be similar to off-road motorcyclists, i.e. more activity in summer and at weekends particularly Sundays. Again, there will be exceptions to the above pattern if other off-road MPV users seek out quiet times of the year when other recreational users are absent.

### 6.5 **Engagement with MPV users**

#### 6.5.1 *Engagement events*

We suspected that we would obtain more useful information from participants in off-road MPV use by engaging them in informal discussions, rather than asking them to complete formal questionnaires. This is much more of a qualitative approach than other aspects of the research and it is recognised that there was a danger that we would fail to reach the most radical illegal

users, who may be unwilling to get 'engaged' on the subject. It was originally intended that a fairly formal focus group approach would be used. In practice we were unable to identify suitable groups of participants willing and able to attend a focus group who would properly reflect the views of illegal MPV users. As an alternative ad-hoc discussions took place with illegal motor vehicle users as and when we were able to engage with them. In addition more formal meetings were held with legitimate off-road MPV users as a whole through the auspices of the ACU and TRF. These meetings were essentially with users who operate within the law.

Engagement with MPV users took the following forms:

- Meeting with TRF members held on 12th December 2006;
- Group of off-road motorcycle enthusiasts in England held on 6th January 2007;
- Groups of off-road motorcycle enthusiasts based in Wales held on 9th January 2007; and
- A face to face meeting was arranged with two non-affiliated off-road motorcyclists on 1st June 2006.

In addition, a Stakeholder Workshop was held on 8th November 2006 for all groups interested in the outcome of the research, and was attended by representatives of a variety of MPV user groups.

In reporting the above events, the confidentiality of information provided by those attending has been respected and the views expressed have been generalised in the following discussion. The full reports of the engagement events and a summary of the stakeholder workshop are set out in **Appendix 6.6**.

The following key points are noteworthy for this research:

*The availability of legal routes for trail riding*

- The NERC Act has greatly reduced the potential for extending routes legally available for trail riding and by closing of RUPPs (by the CRoW Act) to any possibility of legal use reduced the opportunities for legal trail riding.
- BOATs and UCRs with known public rights of passage for MPVs should be clearly marked as such, both to inform MPV users and so that other users know their status and are aware that they can expect to meet MPVs. The lack of information on where MPVs can be used legally is a real concern.
- The reduction in routes that might be legal has increased the pressure on those routes, notably BOATs, on which passage by MPV is legal. A number of participants blamed LHAs for dragging their heels in the reclassification of RUPPs to either bridleways or BOATs prior to the introduction of the CRoW Act.
- Trail riding and enduro cannot be provided at a small site based facility (although it can be provided in some form at an extensive landholding – note trail riders and enduro riders acting as marshals at equestrian events). There are similar issues with all motor vehicle events involving special sections separated by longer distances such as, hill rallies and classic trials.

*The availability of sites for practice for off-road competitive events*

- Good relationships with major landowners, including the Forestry Commission, are key to providing for off-road competitive events. It is clear that the same applies in providing locations to practice for such events.
- Trial events can vary from a small scale activity in someone's back yard to purpose built courses on private land. The motor vehicles themselves tend to be relatively quiet as they do not require much power.
- In the past the operation of Defra farm subsidies prevented many farmers from allowing any off-road activity on their land. Under the Single Payment Scheme (SPS) for farmers, land set-aside as a venue for off-road motoring would not generally qualify for payment under the scheme and cross-compliance requires qualifying land to be maintained in good agricultural and environmental condition. *[Note: It is understood that Defra has moved its policy on SPS for land not in agricultural use and motor sports is now one of the activities allowed but only for 28 days per year. However planning permission is required where land is used for motor sports for more than 14 days per year.]*
- The main concern for motocross riders is that there is nowhere to practice their sport. Motocross relies on practice and competition tracks and, without dedicated provision, law-

abiding motocross users are forced to resort to alternative, unauthorised tracks. Even where a landowner is prepared to give permission noise, is often a problem. There no longer appears to be any tolerance of motorcycle use and this is partly because of the changing nature of the countryside with farms now occupied by incoming townspeople.

- Motocross facilities require approximately two to three acres of land to form a circuit with a variety of jumps to challenge the riders. The main obstacle to dedicated motocross practice tracks appears to be planning permission and noise issues are a particular problem.
- Where there is legal provision for off-road motorcycling, the difficulties of insurance cover can be overcome even for riders under 16 years.

#### *Views of illegal MPV use*

- Many participants view mini-motos and cheap imported motorcycles as a major reason for the current concern about illegal 'off-road' driving and noted that various members of parliament have taken up the cause because of problems encountered on streets and urban areas.
- Unfortunately the off-road sections of enduro events can attract riders at other times who use the routes illegally and irresponsibly particularly at weekends. In some areas, off-road sections of enduro events have later been turned into informal motocross tracks by illegal riders. While this is a concern, it was noted that event organisers cannot be expected take on an ongoing responsibility, post event, of enforcing the law on land that is not theirs.
- Anti-social behaviour by 'youths/yobs' underlay much of the concern regarding illegal MPV use and that their behaviour should not be tolerated. Responsible MPV users of the countryside for recreation should not have to bear the brunt of the blame.
- Some people have grown-up with a motorcycling culture that is expressed in illegal motorcycle use. These people are perhaps more susceptible to pressure to reduce their illegal activity as they grow older and are better able to fund their activity.
- Nationally, it was felt that one of the bigger problems associated with illegal MPV use is fly tipping.

#### *Regulation*

- TROs are usually framed in a useful way but some are seen as inappropriate and put in without sufficient thought to alternatives.

#### *Enforcement*

- The predominant view is that there needs to be a balance between firm enforcement and gentle persuasion; for example, do the police need to apprehend all riders who are behaving responsibly or should they work to persuade people to stay within the law voluntarily? Should legal enforcement be targeted at those riders who are causing real problems for non-motorised users or the natural environment?
- The lack of clear signs indicating a PRoW's status is an issue for the police who are often unaware of the correct status of a route.
- Until the police view illegal motorcycling as an important issue, very little resource will be diverted to tackle it.

#### *Education*

- Education was seen as the only solution to tackle this issue. Education can be achieved through a variety of means such as through motorcycle clubs or dedicated facilities. People were very interested in seeing the results of the proposed Cardiff outdoor motorcycle and quad off-road facility.

#### *The way forward*

- One of the main problems in tackling illegal motorcycle use is obtaining planning permission for off-road motorcycle facilities which also meet other requirements, such as environmental protection and health and safety. Councils tend to focus on the local issues such as noise levels, health and safety and public liability which hold up planning permission and other approvals for off-road facilities, rather than look at the wider picture and addressing the ever

increasing problem of illegal/anti-social motorcycle riding. It is possible to overcome these difficulties with careful site selection and adequate funding.

## 6.6 Conclusions on participation in the illegal off-road use of PRowS and green spaces with public access by MPVs

Key conclusions on participation are:

### *Character of illegal off-road use of MPVs*

Based on the research we have characterised illegal off-road MPV use into the following categories:

- **Neighbourhood off-road activity** - typically by young people, within and on the edge of urban areas and on any routes or land that are available including PRowS, cycle tracks, parks and nature reserves. This activity often extends onto privately owned vacant or derelict land which is accessed using public routes or land with public access. While small motorcycles appear to be the most commonly used MPV, this category includes some use of quad bikes.
- **Off-road activity for socialising** - in which people drive off-road to engage in a range of activities, some relatively innocuous, for example drinking parties, others involving crimes, for example the torching of stolen vehicles. These activities can take place almost anywhere but are perhaps more frequent close to urban areas.
- **Off-road trail riding** - primarily on motorcycles with good off-road capability, in the countryside particularly, but not exclusively, on open moorland.
- **Practice for off-road events** - the use of off-road motorcycles on areas of land to practice for particular types of events, for example motocross.
- **Fly tipping and vehicle dumping** - The use of all motor vehicles, except motorcycles, to fly tip in the countryside and the dumping of end-of-life vehicles in the countryside.

We believe these categories provide a good basis for the segmentation of illegal users at particular locations as an aid to addressing concerns.

### *The MPV stock*

The stock of MPVs, particularly those with off-road capability, must be an influence on the illegal use of public rights of way and green spaces with public access by mechanically propelled vehicles; in crude terms, the more vehicles with off-road capability, the greater the potential for illegal use. Our findings on the MPV stock are that:

- There are some 120,000 registered motorcycles with a good off-road capability. Sales of these machines are currently falling in an otherwise expanding motorcycle market.
- There are perhaps a further 132,000 competition and other unregistered machines with off-road capability including older motorcycles that have been taken off the road.
- The registered motorcycle stock and motorcycle ownership is biased towards the south and east of the country.
- There are some 400,000 mini bikes and mini-motos with generally limited off-road capability. These are often regarded as toys and are typically capable of speeds of up to 20mph.
- There are some 155,000 ATVs of all types although some 50,000 of these are full ATVs mainly used for agricultural and land management, 50,000 are sports ATVs with good off road capability and 50,000 are quadricycles with more limited off road capability.
- Excluding 4x4 car and light commercial vehicles, there are some 357,000 vehicles with a genuine off-road capability. If mini-bikes, mini-motos and quadricycles are included this increases to 802,000.
- No attempt has been made to estimate the number of 4x4 cars and light commercial vehicles with some off-road capability but it is likely to be large. While sales of such 4x4 vehicles are clearly higher than in the past, this should not be taken as an indication that the owners of these vehicles have any interest in off-road use.



### *MPV users – motorcyclists*

The number of MPV users who are motorcyclists must be an influence on the illegal use of public rights of way and green spaces with public access by mechanically propelled vehicles; in crude terms, the more drivers with the ability to drive motorcyclists, the greater the potential for illegal use. Estimating numbers is very difficult and, even where possible, caution needs to be exercised in suggesting a relationship between these estimates and illegal MPV use involving motorcycles. Thus the DfT figures for active motorcyclists will exclude all juveniles below the age at which a motorcycle licence can be held but it is clear from our research that such juveniles are engaging in illegal MPV use. The estimates of motorcyclists who ride 'off-road', mainly in the competitive classes of enduro, trials and motocross, are likely to be primarily, if not wholly, a group which operates within the law. Our findings on motorcyclists and their characteristics are that:

- The number of active motorcyclists is thought (DfT 2005) to be about 1.5 million.
- MCI figures suggest that there are 40-60,000 motorcyclists who ride 'off-road'. Approximately 12,000 of these are recreational non-competitive riders, mainly trail riders, with the remainder in the competitive classes of enduro, trials and motocross.
- Motorcycling is dominated by male participants with 85% of motorcyclists being male and 15% being female.
- An estimated 12,000 young motorcyclists ride off-road capable machines.
- Young riders are disproportionately represented in convictions for driving without insurance.
- Up to 20% of motorcycles are thought to be used without vehicle excise duty paid.
- Motorcycling peaks in the summer months and falls off during the winter.
- Off-road motorcycling peaks at weekends, particularly on Sundays.

There appears to be a significant mismatch between the MCI estimates of the number of participants and the number of motorcycles with good off-road capability. Even allowing for the fact that many motorcyclists will own more than one machine, 240,000 motorcycles for even 60,000 participants suggests that there may be a significant number of off-road motorcyclists not recorded by the MCI figures. These may be unrecorded as they are not members of any organisation and do not participate at a formal level. These unaffiliated motorcyclists are perhaps more likely to participate in illegal use of MPVs than those who are members of a motorcycling organisation.

### *Views of MPV users*

Engagement with MPV users, mainly motorcyclists affiliated to motorcycling organisations, elicited the following broad views:

- It appears that off-road MPV users regard the lack of resources as a potential reason for illegal use of PROWs and green space with public access by MPVs. In particular, there is a shortage of legal routes open for trail riding and practice for enduro events and there are insufficient sites where motocross riders can practise.
- There are a number of factors that work against increased provision for off-road MPV use including the system of farm subsidy payments to farmers, the reluctance of major landowners, such as the Forestry Commission to allow practice for competitive events on their land, planning and environmental health constraints (including noise).
- There appears to be recognition that there is a particular problem with young people who want to engage in off-road motorcycling but lack the funding to do it and hence resort to low cost motorcycles, second-hand or cheap Chinese imports, and the illegal use of PROWs and green spaces with public access close to their homes.
- Legitimate MPV users recognise the problems that arise when there is illegal use of MPVs on PROWs and green spaces with public access and support appropriate measures to contain it. There is a recognition that these measures need to include a mix of regulation, enforcement, education and provision.

# BEST PRACTICE IN DEALING WITH ILLEGAL OFF-ROAD MPV USE OF PROWS AND GREEN SPACES WITH PUBLIC ACCESS

# 7

## Best practice in dealing with illegal off-road MPV use of PRowS and green spaces with public access

### 7.1 Introduction

#### 7.1.1 *The scope of this review of best practice*

This chapter reviews best practice for dealing with illegal off-road MPV use of PRowS and green spaces with public access. The format used in the case studies has been followed and much of the material has been drawn from the case studies. During the research it was evident that at the extremes the issue of illegal MPV use could be addressed by:

- A “stick” approach which aimed to stamp out the illegal activity; or
- A “carrot” approach which aimed to divert illegal use to legal venues.

In broad terms the following strands were identified as relevant to the management of illegal MPV use:

- Physical measures to prevent illegal motor vehicle use;
- Enforcement measures to discourage illegal motor vehicle use;
- Education measures to encourage responsible behaviour by motor vehicle users; and
- Provision of facilities/opportunities for legal motor vehicle use.

In three case studies, Sunderland, Wigan and Cross Fell, strategic working was identified separately as a management measure. In the remaining, case studies this was seen as the need to coordinate across all of the above basic actions.

### 7.2 Engineered physical measures to prevent illegal motor vehicle use

#### 7.2.1 *Overview*

All physical measures that are intended to prevent or discourage access by MPVs to a particular area or route have been included under this heading. The principal exclusion measures used in this area are signs, fencing, gates and other barriers intended to prevent unauthorised MPV passage and a number of examples were identified in the case studies.

The main concerns that have been addressed with these measures are:




- Are they effective in preventing unauthorised passage for MPV users?
- Do they result in inconvenience to authorised users, notably recreational users - pedestrians, users with disabilities/mobility problems, cyclists and horse riders – and those responsible for land management?
- Are they subject to damage, whether intentional or deliberate, such that they are expensive to maintain?
- Do they help or hinder when enforcement action takes place against illegal MPV users?
- Can they be afforded?

Physical measures include:

- Signs indicating no right of passage for MPV users;
- Point of entry measures, gates and barriers designed to prevent passage by all or any MPV types;
- Boundary measures, principally fencing, designed to keep MPV users out of an area.

Physical barriers as a whole have some benefits and drawbacks. The key benefit is the ability to constrain the movement of MPVs into and through an area. Perhaps the most successful example of physical barriers which constrain MPV use is in the New Forest. The *Conservation of the New Forest Report* some 30 years ago identified off-road parking and use of motor vehicles as an issue. In the course of informal countryside recreation, people were driving their cars into woodland, pasture and heathland areas to park. There was considerable damage to vegetation and sensitive habitats. The physical measures, examples are shown in **Plate 7.1**, included provision of a large number of convenient car parks supported by ditches, wooden posts and earth bunds to prevent MPVs encroaching into these areas.

**Plate 7.1: New Forest – physical measures constraining MPV use**

Example	Description
	<p>Earth bunds and posts preventing MPV encroachment off residential access track.</p>
	<p>Dragon's teeth wooden posts preventing access from car park into open grassed area.</p>
	<p>Combination of ditch, posts and lockable barrier to prevent MPV access.</p>

The New Forest measures fit well with the landscape and have been effective at controlling the main issue, i.e. the encroachment of ordinary cars into the forest area. They do not constrain

motorcycle use although this is only an issue where the Forest abuts larger urban areas. The general absence of the illegal use of MPVs in the New Forest may have much to do with the large number of visitors and the hostility which such use would be likely to engender in this highly valued area.

Drawbacks to the use of physical measures include:

- Barriers constrain the ability of the emergency services, particularly the fire and rescue services to respond to incidents. Fire is a particular problem on dry heathland and in coniferous woodland.
- There is an issue of physical barriers constraining other authorised use of routes and land. Surrey County Council has recently removed a steel barrier and replaced it with a wheelchair accessible kissing gate and a horse stile. This has inadvertently resulted in much easier access for motorcycles at this point.
- Many of the physical barriers noted in the case studies are urban in character and look out of place in countryside settings.
- Barriers can be costly, especially if subject to repeated vandalism (as was experienced at Sunderland).

One of the key issues in prevention of illegal MPV use by physical measures is how to design a barrier that:

- allows authorised use to continue unhindered;
- prevents illegal MPV use; and
- is visually acceptable.

#### *7.2.2 Signs indicating no right of passage for MPV users*

The simplest physical measure is a sign advising potential MPV users of a route or area that unauthorised MPV use is not permitted. These signs include those associated with TROs. There appears to be some scepticism amongst LHAs and others about the effectiveness of signs. However, examples were found in Surrey and on the Ridgeway where they seemed to survive and to do their job. **Plate 7.2** gives examples all of which are associated with some kind of simple physical measure, a felled tree, a post and lockable posts which either discourage larger MPVs or ensure that they stay on the track. Further, in several case studies, it was suggested that clear signage was an essential pre-requisite to police action.

**Plate 7.2: Examples of signs indicating no right of passage for MPV users**

Example	Description
	<p>The Ridgeway, Oxfordshire and Wiltshire – signs indicating the extent of motor vehicle passage rights; note the logs used to encourage users to stay on the track. These ensure that users have to pass close to the sign and are thus more likely to read it.</p>
	<p>Llantysilio and Maesrychen Mountains, Denbighshire – low cost signs at main car parks used in combination with posts. Sign not easily read and post easily avoided by motorcycles.</p>
	<p>Wood Street Village, Surrey – signs and lockable posts associated with use of TRO to control MPV use. The posts are only effective against larger 4x4 vehicles and quad bikes and motorcycles access is not prevented. Legitimate users, notably pedal cyclists, are not inconvenienced.</p>

The key advantages of signs are:

- they are cheaper than other physical measures;
- they give the potential MPV user a clear message that they are not permitted to use a route or area;
- they tell non-motorised users that MPV users are not permitted and provide a basis for challenging illegal MPV users; and
- the police may be more willing to take action where suitable signs are in place.

Drawbacks are:

- they are prone to vandalism and need to be checked regularly;
- they will only be effective against law abiding people; and
- while it is relatively easy to sign a route it is very difficult to sign an area.

We believe that signs are an essential part of best practice. Without signs the illegal MPV user can always plead ignorance. The design and placing of signs needs to address the following:

- the sign needs to give a clear message as to who is allowed to use a route or area. The simpler the message the better;
- for routes, sign at the point of entry from the road network;
- for areas, sign at car parks and other focuses for activity; and
- the signs should be as robust and vandal proof as practicable but also need to look right in the context in which they are erected; for example a visually intrusive sign may be unacceptable in a sensitive countryside location.

### *7.2.3 Point of entry measures, gates and barriers designed to prevent only MPV passage*

Point of entry measures include:

- unlocked gates and barriers that discourage rather than prevent entry;
- locked gates and barriers intended to allow only authorised MPV users, generally land managers, to pass; and
- specialist barriers designed to allow non-motorised users to pass while preventing the passage of MPV users.

Examples of all of these were identified in the case studies and typical examples are shown in **Plate 7.3**.



**Plate 7.3: Examples of point of entry measures**

Example	Description
	<p>Thurrock - heavy duty kissing gate preventing all MPV access to public footpath. Effective against all MPVs if associated fencing is secure. This also discourages access by pedal cyclists and equestrians. Visually unattractive and probably not acceptable outside an urban context.</p>
	<p>Mansfield, Nottinghamshire – use of cylindrical mass concrete bollards to prevent use by 4x4 vehicles. Not effective against motorcycles or quad bikes and the feature does not add to visual amenity.</p>
	<p>Cross Fell, Upper Teesdale - gate on track that gives access to the open fell; note the sign to discourage MPV use. Note use of standard farm gate, in this case left unlocked, accompanied by standard stock-proof fencing.</p>
	<p>Afan Forest, South Wales – Locked gate on Forestry Commission road at junction with classified A road. This type of barrier is ineffective without the accompanying fencing and rock protection.</p>
	<p>Sunderland – Robust 'A' frame and horse friendly barrier. While small motorcycles can be pushed through the 'A' frame or lifted over the horse gate, such measures discourage use and can make apprehending illegal users easier. Visually unattractive and probably not acceptable outside an urban context. There is some inconvenience to pedal cyclists and equestrians.</p>



### *Unlocked gates and barriers*

The key advantages of unlocked gates and barriers are:

- they are less prone to vandalism as they can be opened;
- used in association with signs, they give the potential MPV user a clear message that they are not permitted to use a route or area and provide a basis for challenging illegal MPV use; and
- they allow legitimate users (for example, graziers of common land) to get in and out with minimal disruption.

Drawbacks are:

- they are relatively expensive;
- they will only be effective against law abiding people; and
- they may become ineffective if they are left open, for example by authorised users who use them regularly.

### *Locked gates and barriers*

These are intended to allow only authorised MPV users, generally land managers, to pass. The key advantages of locked gates and barriers are:

- they give the potential MPV user a clear message that they are not permitted to use a route or area and are effective against all but the most determined users;
- they tell non-motorised users that MPV users are not permitted and provide a basis for challenging illegal MPV users.

Drawbacks are:

- they are prone to vandalism by those determined to gain passage;
- they are relatively expensive;
- they may become ineffective if they are left open, for example by authorised users who regularly use them;
- they may deny access to some authorised users, for example they cannot be used on delivery routes used by the Post Office;
- they can be inconvenient for authorised users;
- if the keys fall into the wrong hands, they can be easily misused; and
- they are ineffective where they can be circumnavigated.

Lockable gates are used widely by the Forestry Commission who we understand use the same lock and key for all of their lockable barriers. Because of the need to allow access by contractors and other authorised third parties there are issues over the keys becoming available to unauthorised MPV users

### *Specialist barriers designed to allow non-motorised users to pass while preventing the passage of MPVs*

There are a number of different designs available. All are intended to allow pedestrian passage. Some are designed to allow passage by pedal cyclists but not MPVs. Others are designed to allow passage by horses but not MPVs. It is comparatively easy to design a barrier that will prevent the passage of a normal 4X4 vehicle but allow all other traffic.

The key advantages of specialist barriers are:

- they give the potential MPV user a clear message that they are not permitted to use a route or area and are effective against all but the most determined users;
- they tell non-motorised users that MPV users are not permitted and provide a basis for challenging illegal MPV users; and

- they physically prevent the passage of some MPVs but small motorcycles can often get through or over them.

Drawbacks are:

- it is very difficult to design a barrier that will allow passage by pedal cyclist, disabled wheelchair users, pedestrians with child pushchairs and equestrians which prevents access by a small motorcycle. All of the designs that we have seen during the research fail to prevent passage by small motorcycles while presenting an inconvenience to authorised use. In Cardiff, a number of barriers of this type on the Taff Trail have now been removed to allow easier passage by pedal cyclists and other non-motorised users;
- they are prone to vandalism by those determined to gain passage;
- they are relatively expensive; and
- they are ineffective where they can be circumnavigated.

#### *7.2.4 Boundary measures, principally fencing, designed to keep MPV users out of an area*

Boundary measures include:

- ditches;
- berms built in soil or aggregate depending on what is readily available;
- stock proof fencing with wooden posts;
- post and rail timber fencing and low rails;
- dragon's teeth using wooden posts or rocks;
- iron railings; and
- heavy duty steel barriers.

**Plate 7.4** shows examples of boundary measures. The key advantages of boundary measures are:

- they give the potential MPV user a clear message that they are not permitted to use a route or area and are effective against all but the most determined users;
- they tell non-motorised users that MPV users are not permitted and provide a basis for challenging illegal MPV users; and
- at best they physically prevent the passage of most MPVs provided they remain intact.

Drawbacks are:

- they are prone to vandalism by those determined to gain passage;
- they are expensive particularly for large areas;
- they are ineffective where they can be circumnavigated;
- heavyweight versions can look out of place in the countryside; and
- some boundary measures, for example wooden posts, are ineffective against some MPV types, for example, motorcycles.

Boundary measures are particularly appropriate for highly sensitive areas in high risk situations, for example a SSSI or SM or valued amenity area adjoining a housing estate where neighbourhood off-road activity is high. However, the issues of visual amenity and of convenience to non-motorised users need to be recognised at all times.

**Plate 7.4: Examples of boundary measures**

Example	Description
	<p>Llantysilio and Maesyrychen Mountains, Denbighshire – Wooden post and rail fence to protect sensitive areas.</p>
	<p>Rhondda, South Wales – Rocks placed to prevent unauthorised MPV access are ineffective where they can be circumnavigated by an off-road motorcycle or quad. In this instance, they are effective only against wider 4x4 vehicles.</p>
	<p>The Ridgeway, Oxfordshire – Iron railings at Scutchamer Knob, a Scheduled Monument, are effective and visually acceptable but at a significant cost.</p>

### 7.3 Enforcement measures to discourage illegal motor vehicle use

Enforcement measures can be undertaken by:

- the police;
- public agencies, the LHAs and NPAs in particular, who have a statutory responsibility in some way;
- landowners and occupiers, who may be public bodies, for example the Forestry Commission or Ministry of Defence, or private parties; and
- by individual members of the public.

The police have a key role in that they are the only people able to require the driver of a MPV to stop. This means that other public agencies can only carry out legal enforcement with police support. However, the police cannot be everywhere and have to prioritise the use of police resources. Police priorities generally dictate that greater resources are directed to serious

crime while minor offences are given a lower priority. The job of the police can be facilitated by the provision of good information by others thus enabling them to concentrate on the areas requiring police involvement.

Public agencies clearly have a role. Where there is damage to a PRoW, the LHA will be concerned. Damage to SSSI and to SMs will be of concern to Natural England and the CCW and to English Heritage and CADW respectively. Activity affecting the safety and well-being of local residents will concern the local authority.

Land owners and occupiers will be interested where their interests are adversely affected, for example through damage to property and fly tipping.

The involvement of members of the public may appear inappropriate at first sight but it appears clear from this research that one of the main constraints on MPV use is whether the general public are prepared to condone and accept illegal activity, or whether they report it and push for enforcement action. Areas which do not appear to have a problem with illegal use of MPVs, for example the New Forest (with some exceptions) and Malvern Hills, may result from strong opposition on the part of the public to such activities. The news media may have a role in raising awareness and promoting public interest in tackling the problem, as was the case in Wigan, for example.

At a legal level enforcement can only be undertaken where an offence has been committed and **Section 1.4** sets out a discussion of offences which may make the use of MPVs illegal. On the basis of the research undertaken we are of the view that the keys to successful enforcement are:

- the availability of appropriate legislation to be enforced with reasonable economy while fully respecting, for example, human rights and the actual harm that might result from any transgression;
- the availability of resources, staff and suitable off-road vehicles, to undertake enforcement actions. The skill levels of staff, particularly their knowledge of the area within which enforcement is taking place and their personal communication skills, are critical;
- the continuity of enforcement, a major exercise once a year may be appropriate but needs to be accompanied by lower level enforcement at other times; and
- an appreciation of the nature of the illegal MPV use that is being dealt with and how it relates, if at all, to other criminal activity. A particular issue is the use of MPVs off-road by juveniles which appears to be closely related to on-road use of MPVs by juveniles and to anti-social behaviour generally.

### *Legislation*

The legislation available, particularly the provisions of section 59 of Police Reform Act 2002 which relate to confiscation, appears to be very robust and useful. Taking offenders to court will always be a time-consuming procedure with uncertain outcome but the provisions relating to confiscation are such that the resources are limited to the time taken to wait for the contractor operating the vehicle pound to collect the vehicle. The procedure is at least in part self funding through the fees that offenders must pay to get their MPVs back. In the extreme, the police may destroy the MPV, a clear message to offenders.

### *Resources*

The police cannot be expected to mobilise sufficient resources to carry out enforcement single handed. Where there are problems with illegal use of MPVs, the case studies have shown up a number of examples where joint working between the police, LHAs, other public agencies, landowners, land occupiers and the voluntary sector has been effective in maintaining enforcement at an effective level. It appears that this form of joint working can reduce the illegal use of MPVs in an area.

*Best practice for enforcement*

Within this study we have not been able to fully assess best practice for enforcement based on costs, long term effectiveness and interaction with associated measures. However it appears that the key features of successful joint enforcement are:

- Occasional significant exercises involving the use of a number of police officers and other personnel, for example local authority staff, park/countryside rangers and landowners' staff, with a good level of off-road mobility and good communications. An exercise in South Wales in July 2006 used
  - two 4X4 vehicles (one each from the Forestry Commission and local council) with two police officers, one Forestry Commission employee and a local authority country park ranger,
  - two police officers on off-road motorcycles, and
  - two police officers mounted on horses.
- The availability of off-road motorcycles and trained police officers to ride them and the availability of 4x4 vehicles with appropriately trained drivers. Some forces have used quad bikes but their off-road capability is more limited than off-road motorcycles; they may be appropriate in some situations, for example coastal sites with sand dunes. Helicopters have proved very effective on occasion but need to be supported by officers on the ground. Also, some forces feel constrained by health and safety concerns (for their officers for the target MPV users and for other people) from giving chase to individuals either off-road or subsequently on public roads. Note that if offenders can be identified there is no need for pursuit as enforcement can follow at a later time.
- Enforcement using personnel who know the geography of the area very well. This is very challenging in some areas notably plantation forestry. Knowing where illegal MPV users are likely to have to pass through pinch points or where they are unable to move quickly because of the terrain is important.
- Using personnel who know the police powers available thoroughly. Following the correct legal procedures takes time; for example seizing a MPV under s59 of the Police Reform Act may tie two officers down for circa two hours while a recovery team is brought in. Even issuing a warning under the same Act is likely to take circa one hour. When larger numbers of illegal MPV users are present, it is difficult to apprehend and deal with them all. In order to maximise the benefit of an operation, it is useful to set criteria as to how particular types of offender will be dealt with. For example at the extremes
  - for an illegal user of a MPV which is registered and insured and in all other respects legal and is not causing any damage to property or nature conservation interest, a warning under s59 of the Police Reform Act might be the most appropriate action; and
  - for a juvenile illegal user with a vehicle which is not registered or insured and who would be unable to return home without continuing breach of legislation, including for example parts of the Road Traffic Act, immediate seizure of the vehicle under s59 of the Police Reform Act might be justified on the grounds of the risk of further offences and the potential risk to the public.
- Continuing low level enforcement involving using a presence on the ground through, for example police community support officers, park or countryside rangers and voluntary inputs where possible.
- A means of recording and classifying reports of illegal MPV use by police, the staff of public agencies and the general public. The records should be kept in an accessible computer database. The information record needs to include
  - a description of location of the incident,
  - the national grid reference,
  - the date and time of the incident,
  - a description of user(s) involved in the incident, including number, age,
  - a description of the vehicle type involved in the incident and any registration plates, and
  - a description of concerns raised by the incident.

One of the key issues with recording incidents is the difficulty of describing the users and the vehicle type with sufficient accuracy to allow follow-up. Where MPVs carry a registration mark and this is recorded in the DVLA database, follow up is straightforward even where the vehicle





is not taxed. It is more difficult to deal with vehicles which do not carry a registration plate. The tracing of illegal MPV users might be facilitated if there was some form of record or registration for MPVs which are not registered and taxed for use on roads.

One area where we were unable to find much good practice was enforcement against juveniles. Neighbourhood off-road activity appears to be significant issue in many areas. Much of this activity appears to be by juveniles who are, or should be, attending school. There appears to be some reluctance on the part of schools to work with enforcement agencies to reduce neighbourhood off-road activity. In Sunderland, police officers are attached to schools but, to date, this mechanism had not been used to educate pupils about illegal off-road MPV use. We believe this area needs further investigation but appreciate that illegal off-road use of MPVs by pupils may not, at first sight, be a school priority.

A relatively simple enforcement action which can be taken is to enforce the law which prevents the sale of petroleum to persons under the age of 16. This can be undertaken through trading standards officers at local authorities.

It is understood that some police forces are using surveillance, either direct or through remote means such as cameras to record riders who are identified and tracked down later. The use of digital photography would appear to be useful in this regard. Although we did not see this used, we believe it would be a useful aid to enforcement. Offenders can be photographed relatively easily by both the police and other stakeholders and during the course of the research a number of illegal MPV use incidents were photographed by researchers. While precise identification of users is not easy, particularly where MPVs have no registration plates, such photos may be used in conjunction with, for example, neighbourhood policing or schools liaison, to identify the users recorded.

**Plate 7.5: Examples of enforcement measures**

Example	Description
	<p>Afan Forest, South Wales – Police operation at The Bwlch successfully apprehending two illegal motor vehicle users, one a juvenile. Task made easier as the motorcycle was bogged down and the rider was unable to make a getaway. Section 59 Warnings under the Police Reform Act were issued.</p>
	<p>Wigan – Police enforcement through exercise focusing on illegal motor vehicle use at former mineral working site.</p>
	<p>Quantock Hills AONB – presence of Ranger represents low level ongoing enforcement in this instance advising a 4x4 vehicle user on rights of passage.</p>
	<p>Thurrock - Letter from Trading Standards to petroleum suppliers</p>

## 7.4 Education measures to encourage responsible behaviour by motor vehicle users

Education measures include:

- poster campaigns advising MPV users as to how they can find out where to ride;
- preparation and distribution of guidance leaflets on the use of MPVs;
- working directly with MPV users to provide advice on where they can ride legally; and
- working with schools to educate schoolchildren in the dangers and long lasting effects of illegal MPV use.



Plate 7.6: Examples of education measures

Example	Description
No image available	Rhondda Cynon Taf County Borough has undertaken an initiative to educate people as to where they can ride their off-road motorcycles or quad bikes. It includes display of posters.
	Wigan – available educational material relating to off-road motor vehicle use.
	Bracknell Forest - a no-nonsense guide for motorcyclists and quad users produced by BFBC and Thames Valley Police
No image available	South Wales Police School Community Police Officers are visiting every school within the Neath Port Talbot County Borough in order to educate the pupils in the dangers and long lasting effects of illegal scrambling.

## 7.5 Provision of facilities/opportunities for legal motor vehicle use

### 7.5.1 What forms of use might it be appropriate to provide for

An alternative to the illegal use of MPVs on PRoWs and green spaces with public access is the provision of facilities or routes which meet their needs. The key types of illegal MPV use where provision may be part of the answer are:

- **Neighbourhood off-road activity** – effective provision for this activity depends on the ability to develop a local facility within neighbourhoods.
- **Off-road trail riding** – the difficulty with private provision in this area is that provision would need to extend over a very extensive area to provide a proper trail riding experience. Only the largest landowners have sufficient land to provide this. There may be potential for



extending the PRoW network available to some MPV users or for managing the existing network available to MPV users to allow more use.

- **Practice for off-road events** – there is a well established private sector that caters for this but it is constrained by the need to comply with town and country planning and environmental protection legislation. Noise will always be an issue where off-road motorcycles are used on areas of land to practice for particular types of events, for example motocross.

Legal provision would be inappropriate for the following:

- **Off-road activity for socialising** – it is not considered practical to provide for even the most innocuous aspects of this activity in a meaningful way.
- **Fly tipping and vehicle dumping** – For households the household waste disposal sites operated by local authorities in all areas represent sufficient provision. The key issue here may be the distance to such sites and trade waste for which a fee has to be paid. Dealing with fly tipping is outside the remit of this study. However, it has been the focus of new legislation (e.g. the Clean Neighbourhoods and Environment Act 2005) and strategic planning (for example, Defra's Fly Tipping Strategy 2004).

Where provision is regarded as appropriate the ACU has published "*Best practice guidelines for the operation & management of off road motorcycle facilities*" (May 2006) which deals comprehensively with all requirements.

#### 7.5.2 Neighbourhood off-road activity

Effective provision for this activity depends on:

- the ability to develop local facilities (this is unlikely to be possible in many places because of environmental concerns); or
- the ability to bring MPV users, particularly juveniles, to a remote site by minibus or other means.

There is past experience in the development of such sites. Doncaster's first off-road motorcycle park in Carcroft was set up by Doncaster Council to provide a safe, legal, supervised area for off-road motorcyclists; it also aims to tackle the problem of motorbike nuisance in the Borough. There are difficulties in operating such sites:

- They require supervision at all times when in operation;
- The cost of development and of the supply of appropriate equipment on an ongoing basis is likely to be relatively high;
- Because of noise issues they may need to be away from housing; and
- Security has been a problem at the Doncaster facility with theft of quad bikes and dirt bikes worth over £13,000 in May 2007 despite security measures.

There are a number of new initiatives in this area. At Cardiff a facility was opened in Summer 2007.

#### 7.5.3 Off-road trail riding

The difficulty with provision in this area is that provision would need to extend over a very extensive area to provide a proper trail riding experience. The network of BOATs and UCRs is widespread but highly fragmented, meaning that long sections of tarmacked road have to be traversed to link up off-road sections. Only the largest landowners have sufficient land to provide trail riding within a single location. The most effective way of providing this is on an event basis in which a trail or series of trails is made available on a single day or over a weekend.

During the research, we came across one example of this activity being provided on a site basis on circa 4,000ha of private forestry land.

There may be potential for additional managed use of unsurfaced UCRs and BOATs but this would not be legal for any MPV that is not road legal or for any underage driver. In some circumstances it may be appropriate to create new BOATs to allow the creation of effective longer routes. We have not explored the legal implications of this. It is our view that two of the issues with use of unsurfaced UCRs and BOATs by MPVs are the maintenance of the ways and the general absence of effective drainage.

#### *7.5.4 Practice for off-road events*

There is a well established private sector that caters for this but it is constrained by the need to comply with town and country planning and environmental protection legislation. Noise will always be an issue where the use is close to housing or other sensitive land uses.

It appears that provision in this area is easier for trials, where noise levels are relatively low, than for motocross. Sites in areas where ambient noise levels are already high are likely to be easier to develop. A number of existing off-road facilities are located next to busy motorways.

In terms of provision by the private sector it appears that 4x4 or quad bike experience facilities are more likely to be successful as a paying concern than those reliant on off-road motorcycles.

## CONCLUSIONS AND RECOMMENDATIONS

## 8 Conclusions and Recommendations

### 8.1 Illegal use of MPVs on PRoWs and green spaces with public access – the legal context

The illegal use of MPVs on PRoWs and green spaces with public access can be defined in terms of:

- Whether the MPV user has a right to be there, either by reason of law (i.e. there is a right of passage, whether private or public, that is not suspended by a TRO) or because they have authority to be there (for example they are undertaking work on behalf of the landowner). This includes the driving of an MPV on land other than on a public road, including common land. The Road Traffic Act 1988 Section 34 (as amended) makes it an offence for anyone to drive a MPV off-road or on a road that is a footpath, bridleway or restricted byway - without lawful authority. The legislation was strengthened by the CROW Act 2000 which extended cover to include all MPVs, rather than just motor vehicles designed for use on roads.
- Whether the user is complying in all respects with other law including that relating to:
  - road traffic which applies on all PRoWs as these are highways;
  - the taxation of MPVs;
  - the insurance of MPVs;
  - the licensing of drivers;
  - the roadworthiness of MPVs and whether an MPV has a valid test certificate where necessary;
  - the protection of any resource, including SSSI, SMs and the countryside generally;
  - criminal damage; and
  - environmental protection, essentially nuisance.

There are some grey areas where there is difficulty in deciding whether use is legal or illegal, for example, because of uncertainty over the existence of public vehicular rights. However, even in these cases, illegal use may arise; for example, use of an MPV, subject to some exceptions, without valid road fund licence, MOT test certificate, registration plate and insurance is illegal on any road which includes 'any highway and any other road to which the public has access and includes bridges over which a road passes'. (Source: The Highway Code). Highway includes all PRoWs.

### 8.2 Overall findings of the national survey

The sample taken, while small in relation to the overall population of PRoWs, is sufficient to allow broad conclusions to be drawn with reasonable statistical reliability. The sample sections are on upland (28%), lowland (67%) and coastal land (5%) and include all of the main types of PRoW, i.e. footpaths (79%), bridleways (13%), BOATs (1%) and RUPPs (now generally restricted byways) (7%). Key findings are that:

- Some 59% of the footpath network was found to be not available to passage by any kind of MPV because this was hindered, for example, by stiles. While the exact proportion may not be reliable, there is confidence that a large part of the footpath network is not available to MPV use and that the presence of stiles is a particular deterrent to MPV use.
- PRoWs that provide access to dwellings or which follow drives leading to dwellings, most often farm dwellings, are generally unobstructed although they are sometimes gated. Where these gates are unlocked they have been regarded as a partial obstruction.

- For the surveyed PRoW sections passage by some MPV types was possible along 48% of the sample but this fell to 40% for 4x4 vehicles and large vehicles. This appears to preclude use of much of the PRoW network by MPVs. On footpaths which tend to be narrow and often have stiles, passage is less likely to be possible than on bridleways and byways. Most bridleways and restricted byways, being capable of passage by a mounted equestrian, are likely to be passable by a motorcycle except where they are too steep or rugged. BOATs are likely to be capable of passage by most MPVs, the main constraints being their size, weight and rough terrain ability.
- Much of the use of PRoWs by MPVs appeared likely to be legal and connected with land management or access to dwellings.
- Some evidence was found for illegal MPV use, generally by motorcycles and quad bikes but with the possibility of some illegal use by 4x4 vehicles. However, it appears that illegal MPV use affects only a small part of the PRoW network, almost certainly less than 5%, and that more serious problems are localised.

### 8.3 Overall findings of the LHA and NPA surveys

The response rate to the surveys was good particularly from LHAs in Wales and for NPAs in both England and Wales. The rate amongst LHA in England was lower. Key findings are:

- The proportion of respondents that indicated that they were aware of illegal motor vehicle use on PRoWs was extremely high, with 90% of LHA and 100% of NPA respondents being aware that there was some illegal use of MPVs within the area covered by their authority.
- The proportion of respondents indicating illegal use on land to which the public has access was slightly lower, with 81% of LHA respondents reporting use on public access areas. 100% of NPA being aware of illegal use on public access areas.
- Most NPAs and some LHAs maintain records of complaints/incidents of the illegal use of MPVs. The items of information recorded most often in the records held by LHAs and NPAs are the location and date of the incident.
- The number of complaints/incidents and the frequency of complaints/incidents varied widely. Four of the five areas reporting over 500 complaints/incidents are metropolitan areas or larger cities suggesting an urban dimension to the problem. In general, the responses do not point to the illegal use of MPVs being a greatly increasing problem.
- The activity reported by LHAs is mainly illegal use of MPVs on the urban fringe, which increases in summer as daylight increases and the weather improves.
- The activity in the NPAs appears to be by MPV users who know they will not be welcome in summer but who feel they can be more active in winter when visitor numbers are lower. Winter activity might also be explained by the challenge of driving in winter conditions.
- Areas where LHAs thought that the illegal use of MPVs was a major problem were:
  - open land with public access (37% of LHA responses);
  - PRoWs in urban fringe areas (34% of LHA responses);
  - PRoWs in rural areas (20% of LHA responses); and
  - PRoWs in urban areas (20% of LHA responses).
- Areas where NPAs thought that the illegal use of MPVs was a major problem were:
  - PRoWs in rural areas (40% of NPA responses);
  - open land with public access (40% of NPA responses);
  - forestry/woodland (30% of NPA responses);
  - PRoWs in urban fringe areas (20% of NPA responses); and
  - disused mineral workings (20% of NPA responses).
- Hotspots are widely distributed across England and Wales. However:
  - There are some areas of the country which are relatively free of hotspots, for example much of East Anglia;
  - There are particular concentrations in the South Wales Valleys, West Yorkshire, the North East and Merseyside;
  - Some of the hotspots appear to be associated with upland, for example Dartmoor, the Pennines, the North York Moors, the North Downs, the Quantock Hills and Wales; and
  - Some of the hotspots appear to be associated with urban areas, for example the South Wales Valleys, West Yorkshire, Merseyside and the Midlands.

- The MPV type that was considered to be of the greatest concern to both LHAs and NPAs was the motorcycle, whether road legal, in terms of registration, road tax, insurance, driver licensing and roadworthiness, or non-road legal. Of LHAs, 57% said that non-road legal motorcycles were a major concern, 29% said that road legal motorcycles were a major concern while fewer stated that quad bikes (19%) and 4x4 vehicles (4%) were a major concern. None of the responding NPAs thought that quad bikes were a major concern.
- There are clear concerns about:
  - Disturbance to amenity of legal users was stated as a major or moderate concern by 81% of LHAs and 90% of NPAs;
  - Disturbance to wildlife and damage to habitat was stated as a major or moderate concern by 73% of LHAs and 80% of NPAs;
  - Damage to PRoWs was stated as a major or moderate concern by 74% of LHAs and 70% of NPAs;
  - Disturbance to amenity of local residents was stated as a major or moderate concern by 79% of LHAs and 60% of NPAs;
  - Threat to health and safety of legal users was stated as a major or moderate concern by 74% of LHAs and 40% of NPAs; and
  - Damage to archaeological features was stated as a major or moderate concern by 24% of LHAs and 60% of NPAs.
- While the data is subjective to some extent, it appears that:
  - LHAs in both England and Wales and NPAs in Wales indicate that most illegal users of MPVs, probably 70 to 80%, are under the age of 30 years;
  - NPAs in England indicate that illegal users of MPVs are close to evenly split between those over 30 years and those under 30 years.
- The responses appear to indicate that in the majority of both LHAs and NPAs there is participation in the illegal use of MPVs by young children accompanied by adults.
- None of the management measure available was regarded as a panacea for all ills. Generally physical exclusion measures and police enforcement are considered to be the most effective measures of management. However, these and other management practices, vary widely in effectiveness from authority to authority, highlighting the need for careful consideration of the characteristics of the local area and a site-specific approach when tackling the problem of illegal motor vehicle use. The use of a combination of management techniques may prove most effective.
- The responses from LHAs and NPAs appear to confirm that there is a developed business sector which caters for off-road motor vehicle use in England and Wales. About half the sites appear to cater for 4X4 and/or quad bike users and the remainder for off-road motorcycle users. Dedicated sites appear to be reasonably widespread but their density is typically quite low; counties typically appear to have one or two sites.

#### 8.4 Overall findings of the case studies

The case studies reported on a wide range of situations and generalisation is difficult. In broad terms:

- The illegal use of motor vehicles was found to be present in upland areas where passage by MPVs was reasonably easy and lowland areas which are open to public access or where land use activity is low, typically vacant mineral working land.
- The upland areas where passage by MPVs is reasonably easy are characterised by plantation forestry with numerous forestry roads and moorland used as rough grazing. Where terrain is steeper, more rugged and/or poorly drained, the use of MPVs is generally impracticable and illegal use of MPVs is not present.
- Lowland areas attractive to illegal use by MPVs are characterised by open access to the public and/or a low intensity of active land use. Land affected included lowland heath and woodland open to public access, public open space and public routes such as cycle tracks. Where passage along a route is difficult because of terrain or obstruction, the illegal use of MPVs is not present.

- The case study research established that illegal off-road MPV users comprise the following types
  - Juvenile males out for vehicle recreation using small motorcycles without registration plates and typically riding solo or in small groups.
  - Mature people, primarily male, who are well aware that they have no right to use a route, out for vehicle recreation, often in groups and predominantly on motorcycles but sometimes on quads.
  - Mature people, primarily male, out for vehicle recreation, often in groups, who believe that they have a right to use a route, predominantly on full size off-road motorcycles but sometimes in 4x4 vehicles.
  - Groups, typically of young people, who travel to an out-of-the-way place for social reasons including the consumption of alcohol. This group is not focused on vehicle recreation, which is just an adjunct to other anti-social activities.
  - People using public routes and public access areas to dump vehicles or fly tip.
  - The case study research established that illegal off-road MPV users comprise the following types
- Illegal use of MPVs is primarily by motorcycles although some evidence was found for the illegal use of quads, 4x4 vehicles and other motor vehicles. In most cases, it appeared that the illegal use of motor vehicles centred on recreational driving of the vehicle itself.
- For most of the logger sites used in the case studies, it is likely that all motorcycle use was illegal and in many cases all MPV use is likely to have been illegal. Generally, the number of motor vehicles counted is small, generally fewer than 10 per day, even at peak times. Even on sites where there was clear visual evidence of the passage of motorcycles, the average flow was less than one vehicle per day and the peak flow was on average less than ten vehicles during a day.
- The effects of illegal motor vehicle use falls within the following categories, all of which were noted during the case studies
  - Physical damage to the PROWs, route or public access area such that the use of these by others is adversely affected;
  - Adverse effects on environmental resources, notably the landscape, wildlife and historic artefacts because of physical damage to habitat and disturbance of flora and fauna;
  - Nuisance to other recreational users because of, for example, noise, visual intrusion, loss of amenity and physical intimidation;
  - Nuisance to landowners and occupiers because, for example, of noise, damage to land and disturbance to livestock;
  - Nuisance to local residents because of, for example, noise and visual intrusion;
  - Safety concerns both for illegal users and for others because of the use of MPVs, particularly at higher speeds.
- The adverse effects were significant at a local level.
- In the case study areas, illegal motor vehicle use was being controlled or managed in the following ways
  - Strategic working;
  - Physical measures which include barriers, gates, fencing, rocks, etc;
  - Signs to discourage illegal motor vehicle use;
  - Use of legal powers, notably TROs;
  - Partnership working between enforcement and management agencies and other stakeholders, for example landowners;
  - Active wardening with a regular presence on site, for example a park ranger;
  - Police enforcement which can range from a local community police officer acting on his or her own initiative to a major exercise involving many officers and resources including helicopter support;
  - Education initiatives, generally an extension to the partnership approach and working at the community level particularly with motor vehicle user groups and young people;
  - Provision to allow legal off-road use at a dedicated facility.
- Control and management appeared most effective when all stakeholders were involved and a range of measures adopted.

### 8.5 Best practice in dealing with illegal off-road MPV use of PRowS and green spaces with public access

During the research it was evident that at the extremes the issue of illegal MPV use could be addressed by:

- A “stick” approach which aimed to stamp out the illegal activity; or
- A “carrot” approach which aimed to divert illegal use to legal venues.

In broad terms the following strands were identified as relevant to the management of illegal MPV use:

- Physical measures to prevent illegal motor vehicle use;
- Enforcement measures to discourage illegal motor vehicle use;
- Education measures to encourage responsible behaviour by motor vehicle users; and
- Provision of facilities/opportunities for legal motor vehicle use.

In three case studies, Sunderland, Wigan and Cross Fell, strategic working was identified separately as a management measure. In the remaining case studies this was seen as the need to coordinate across all of the above basic actions.

### 8.6 Conclusions on participation in the illegal off-road use of PRowS and green spaces with public access by MPVs

We conclude that illegal off-road MPV use can be best described on the basis of the following categories:

- **Neighbourhood off-road activity** - typically by young people, within and on the edge of urban areas and on any routes or land that are available including PRowS, cycle tracks, parks and nature reserves. This activity often extends onto privately owned vacant or derelict land which is accessed using public routes or public access land. While small motorcycles appear to be the most commonly used MPVs, this category includes some use of quad bikes.
- **Off-road activity for socialising** - in which people drive off-road to engage in a range of activities, some relatively innocuous, for example drinking parties, others involving crimes, for example the torching of stolen vehicles. These activities can take place almost anywhere but are perhaps more frequent close to urban areas.
- **Off-road trail riding** - primarily on motorcycles with good off-road capability, in the countryside particularly, but not exclusively, on open moorland.
- **Practice for off-road events** - the use of off-road motorcycles on areas of land to practice for particular types of events, for example motocross.
- **Fly tipping and vehicle dumping** - The use of all motor vehicles, except motorcycles, to fly tip in the countryside and the dumping of end-of-life vehicles in the countryside.

#### *The MPV stock*

The stock of MPVs, particularly those with off-road capability, must be an influence on the illegal use of public rights of way and green spaces with public access by mechanically propelled vehicles; in crude terms, the more vehicles with off-road capability, the greater the potential for illegal use. Our findings on the MPV stock are that:

- There are some 120,000 registered motorcycles with a good off-road capability and perhaps a further 132,000 competition and other unregistered machines with off-road capability including older motorcycles that have been taken off the road.
- There are some 400,000 mini bikes and mini-motos with generally limited off-road capability.
- There are some 155,000 ATVs of all types although some 50,000 of these are full ATVs mainly used for agricultural and land management, 50,000 are sports ATVs with good off road capability and 50,000 are quadricycles with more limited off road capability.



- Excluding 4x4 car and light commercial vehicles, there are some 357,000 vehicles with a genuine off-road capability. If mini-bikes, mini-motos and quadricycles are included this increases to 802,000.
- No attempt has been made to estimate the number of 4x4 cars and light commercial vehicles with some off-road capability but it is likely to be large. While sales of such 4x4 vehicles are clearly higher than in the past, this should not be taken as an indication that the owners of these vehicles have any interest in off-road use.

#### *MPV users – motorcyclists*

The number of MPV users who are motorcyclists must be an influence on the illegal use of public rights of way and green spaces with public access by mechanically propelled vehicles; in crude terms, the more drivers with the ability to drive motorcyclists, the greater the potential for illegal use. However, caution needs to be exercised in suggesting a relationship between these estimates and illegal MPV use involving motorcycles. A relatively small proportion of all motorcyclists will have an interest in riding off-road use and many of these will stay within the law. Our general findings on motorcyclists and their characteristics are that:

- The number of active motorcyclists is thought (DfT 2005) to be about 1.5 million.
- MCI figures suggest that there are 40-60,000 motorcyclists who ride 'off-road'. Approximately 12,000 of these are recreational non-competitive riders, mainly trail riders, with the remainder in the competitive classes of enduro, trials and motocross.
- Motorcycling is dominated by male participants with 85% of motorcyclists being male and 15% being female.
- An estimated 12,000 young motorcyclists ride off-road capable machines.
- Young riders are disproportionately represented in convictions for driving without insurance.
- Up to 20% of motorcycles are thought to be used without vehicle excise duty paid.
- Motorcycling peaks in the summer months and falls off during the winter.
- Off-road motorcycling peaks at weekends, particularly on Sundays.

There appears to be a significant mismatch between the MCI estimates of the number of participants and the number of motorcycles with good off-road capability. Even allowing for the fact that many motorcyclists will own more than one machine, 240,000 motorcycles for even 60,000 participants suggests that there may be a significant number of off-road motorcyclists not recorded by the MCI figures. These may be unrecorded as they are not members of any organisation and do not participate at a formal level. These unaffiliated motorcyclists are perhaps more likely to participate in illegal use of MPVs than those who are members of a motorcycling organisation.

#### *MPV users – 4x4 vehicles of all types including ATVs*

The number of MPV users who are 4x4 vehicle users clearly has the potential to affect illegal MPV use by motorcyclists. It has not proved practicable to make any realistic estimate of the number of users of other 4x4 vehicles who engage in illegal off-road activity.

#### *Views of MPV users*

Engagement with MPV users, mainly motorcyclists affiliated to motorcycling organisations, elicited the following broad views:

- It appears that off-road MPV users regard the lack of resources as a potential reason for illegal use of PRoWs and green spaces with public access by MPVs. In particular there is a shortage of routes open for trail riding and practice for enduro events and there are insufficient sites where motocross riders can practise. There are a number of factors that work against increased provision for off-road MPV use including the system of farm subsidy payments to farmers, the reluctance of major landowners, such as the Forestry Commission to allow practice for competitive events on their land, planning and environmental health constraints (including noise) and
- There appears to be recognition that there is a particular problem with young people who want to engage in off-road motorcycling but lack the funding to do it and hence resort to low

cost motorcycles, second-hand or cheap Chinese imports, and the illegal use of PRoWs and green spaces with public access close to their homes.

- Affiliated MPV users recognise the problems that arise when there is illegal use of MPVs on PRoWs and green spaces with public access and support appropriate measures to contain it. There is a recognition that these measures need to include a mix of regulation, enforcement, education and provision.

## 8.7 Recommendations from the research

The recommendations of the report focus on how best to deal with illegal off-road MPV use of PRoWs and green spaces with public access. The recommendations have been grouped under the following headings:

- Best practice measures;
- Reporting and recording illegal MPV activity;
- Recommendations for action by Defra and CCW;
- A recommended approach to dealing with a problem with illegal use of public rights of way and green spaces with public access by mechanically propelled vehicles.

### *Best practice measures*

All of the best practice measures reviewed in the report have some benefit but none represents a panacea for resolving all of the issues related to the illegal use of MPVs on PRoWs or in green areas open to public access. In applying best practice, approaches that tailor a mix of measures appropriate to the local situation, are likely to be more successful than those with a single focus, for example, on engineered physical measures. The following should be born in mind in applying best practice:

- To appreciate that, while physical measures have their place:
  - they can be ineffective where they can be avoided,
  - they may adversely impact visual amenity;
  - they can inconvenience authorised users, including legitimate recreational users and the emergency services; and
  - they can be costly.

Engineered physical measures may be particularly appropriate at problem sites on the edge of urban areas and where sensitive resources are at risk, for example, ancient monuments requiring protection.

- Enforcement measures to discourage illegal motor vehicle use are expensive particularly where the police are involved. One-off exercises need to be carried out to maximise impact and the law is sufficient to allow this. Ongoing low level enforcement through community policing, ranger services and voluntary groups is necessary compliment to larger, and inevitably less frequent, exercises. Enforcement needs against illegal off-road use of MPVs needs to be considered in the context of other policing initiatives, notably enforcement of the Road Traffic Act, action against anti-social behaviour and community policing. One of the key issues of enforcement is the difficulty of describing the users and the vehicle types involved in incidents with sufficient accuracy to allow follow-up. The tracing of illegal MPV users might be facilitated if there was some form of record or registration for MPVs which are not registered and taxed for use on roads and a recommendation on this is included below.
- Education measures to encourage responsible behaviour by motor vehicle users are a useful tool but the challenge is to get the message out to potential users. Given that a significant part of illegal MPV use is by juveniles who are of school age we believe that involvement of schools is important.
- Provision of facilities/opportunities for legal motor vehicle use may be possible in some cases but requires significant resources and, as Doncaster has found, is not an easy path. At an organised level the ACU has set out some very useful good practice that we would commend. The greatest challenges are to provide for trail riding given its need for long routes and to provide facilities at a neighbourhood level that are accessible to disadvantaged young people. In many cases, reliance (to varying degrees) is being placed on the provision

of legal off-road facilities as a means of reducing illegal MPV activity. However, the efficacy remains largely unproven and research should be undertaken in locations where such facilities have been provided (for example, Doncaster and Cardiff) to explore how illegal MPV use of PRowS and green spaces with public access has been affected.

- The presence of other people appears to be one of the greatest disincentives to illegal motor vehicle use. Where other recreational users are present in significant numbers, illegal MPV use appears to be deterred. It follows that by making a PRow or public place popular with other users, walkers and cyclists, illegal MPV use may be discouraged.

#### *Reporting and recording illegal MPV activity*

Consistent records of illegal MPV activity provide the basis for effective action by the authorities. It follows that better recording of incidents will facilitate more effective action. Improvements should be made to way in which incidents of illegal MPV activity are recorded. Ideally records should include:

- the day, date and time of the incident;
- the location and grid reference of the incident;
- the MPV type, marque and colour and the number of MPVs involved;
- the registration of any MPV carrying a registration plate;
- the number of people involved, any distinguishing features and approximate ages;
- where people involved in illegal MPV activity are stopped, their home addresses and any additional information, for example serial numbers of MPVs should be sought;
- the nature of the illegal MPV activity and the risk it poses to the perpetrators and other people, to property and to the environment; and
- a summary of why the activity is considered illegal.

This is an ambitious list and inevitably many incidents will be reported with partial information. However getting to grips with illegal MPV use depends on quality information about its scale and nature. Inevitably, better recording will involve both the police and the rights of way sections of LHAs, both of whom are resource constrained. Significant difficulties could be encountered but consistent and reliable recording will allow best practice measures to be directed to best effect.

It may be helpful to portray illegal MPV use more in terms of anti-social behaviour and/or health and safety concerns rather than as a public rights of way/highways matter. This could be achieved by giving greater prominence and more direct reference to the problem in crime reduction strategies.

#### *Recommendations for action by Defra and CCW*

As the sponsors of this research, we are reluctant to recommend a long list of potential actions by Defra and CCW which go beyond their responsibilities. However there are some areas where we believe they may be in a position to initiate wider Government actions that will assist in countering the adverse effects of the illegal use of public rights of way and green spaces with public access by mechanically propelled vehicles. Our recommendations are:

- Defra and the Welsh Assembly Government have prepared "Regulating the use of motor vehicles on public rights of way and off road. – a guide for Local Authorities, Police and Community Safety Partnerships" (December 2005). Defra and CCW should consider whether further advice is required, for example on:
  - the implications of the NERC Act on the existence of public vehicular rights;
  - the use of Acceptable Behaviour Contracts;
  - the use of MPVs by commoners on common land (drawing on recent case law).

- Defra and CCW should work with Natural England to test through the courts what strength of evidence is needed to secure a conviction of an illegal MPV driver for damage to a SSSI under the Wildlife and Conservation Act 1981 (as amended) and publicise the results of any case.
- It is evident that one of the problems of dealing with illegal use of MPVs is the difficulty of identifying the perpetrators. For MPVs carrying genuine registration plates and recorded on the DVLA database this is much easier. Consideration should be given to whether there should be some form of record or registration for MPVs which are not to be registered for on-road use. This could be in a number of forms, for example, a notification to DVLA of the sale of any MPV which is not to be registered for on-road use. There are precedents for this; under the Wireless Telegraphy Act 1967, television dealers who sell or rent television receiving equipment, are required to notify TV Licensing within 28 days of each transaction, providing full details of the purchaser or hirer. It is recommended that Defra and CCW should evaluate with DfT, DVLA, the Home Office and any other relevant parties whether this is a workable and cost-effective proposition.
- One of the concerns of illegal MPV use is the noise from motorcycles. Again this involves a number of Government departments and agencies and will be of concern at European Union level. It is recommended that Defra and CCW should explore, with DfT, the motorcycle industry and other relevant parties, ways in which the noise effects of motorcycles can be reduced, for example through changes to vehicle exhaust standards.

*A recommended approach to dealing with a problem with illegal use of public rights of way and green spaces with public access by mechanically propelled vehicles*

This is a simple checklist for use by all involved in addressing the illegal use of public rights of way and green spaces with public access by mechanically propelled vehicles. The research recommends an approach based on the following key components:

1. *Do you have a problem and what is it?* Remember that:

- In many cases, the apparent 'problem' may be transient or not of a scale to warrant large commitment of resources. It is important to gather sufficient information to establish whether the level of MPV use is significant. The illegal use of MPV can be very transient within a local area although the same perpetrators may turn up in a number of different areas often well dispersed.
- The number of complaints can be a poor indicator particularly if they are not backed up by hard evidence.
- Good hard evidence with dates and vehicle details, supported by photographs and a description of the effects of illegal user, is essential to establishing the nature and extent of any problem.
- It appears that MPV use is often by a relatively small group of people. Identifying who these are and what they are doing is a good start.

2. *Is the use of MPV illegal and if so what is the nature of the illegality?* Remember that:

- There are two aspects of the illegality of MPV use, whether users have the right to be there either because they have a right of passage or because their use is authorized and whether they are breaking any other law, for example in respect of driver and vehicle licensing.
- Defra and the Welsh Assembly Government have issued "*Regulating the use of motor vehicles on public rights of way and off road. – a guide for Local Authorities, Police and Community Safety Partnerships*" (December 2005) which clearly sets out the existing powers of the police and authorities.
- In establishing whether a user has a right to be there, it is essential to appreciate the status of the route. Is it definitely with, or without, public rights of passage for MPV users? If uncertainty remains about the existence of legal rights, the scope for enforcement action will be limited. MPV users may have a right to be on land, for example because they are there with the landowners' or land occupiers' permission.

### 3. *Who is participating in the illegal MPV use and what is the nature of their activities?*

- In this the aim is to segment users where necessary so that the nature of MPV uses is properly understood. Segmentation of the illegal users into categories (note – there may be a mix of users from different categories, rather than one, homogeneous group) will help authorities decide how to tackle the problem.
- This report suggests the following five categories of illegal MPV use.
  - *Neighbourhood off-road activity* - typically by young people, within and on the edge of urban areas and on any routes or land that are available including PRoWs, cycle tracks, parks and nature reserves. ;
  - *Off-road activity for socialising* - in which people drive off-road to engage in a range of activities, some relatively innocuous, for example drinking parties, others involving crimes, for example the torching of stolen vehicles;
  - *Off-road trail riding* - primarily on motorcycles with good off-road capability, in the countryside particularly, but not exclusively, on open moorland;
  - *Practice for off-road events* - the use of off-road motorcycles on areas of land to practice for particular types of events, for example motocross;
  - *Fly tipping and vehicle dumping* - The use of all motor vehicles, except motorcycles, to fly tip in the countryside and the dumping of end-of-life vehicles in the countryside.
- The above categories should be sufficient to cover illegal motor vehicle use in all areas. However it may be useful to add additional sub-categories in some places, for example off-road activity for socialising might be divided into activity which is relatively innocuous and that which results in other offences, for example criminal damage to property.
- Where do illegal users come from and how do they get to the site? Identifying illegal users of unregistered MPV is particularly difficult where they carry no registration plates and are kitted up, for example, with helmets. Where they are brought to the site in other vehicles which are registered and road legal, identification becomes easier,
- People and stakeholders who are present in an area on a regular basis have the best chance of gaining an understanding of the local situation.

### 4. *Develop partnerships and strategy with all stakeholders.* Key points are:

- Armed with an understanding of who is responsible for the illegal MPV use and the nature of the illegal activity, partnerships can be formed with interested parties (for example, the police, local housing associations, environmental health officers, recreational users, community associations and schools) and strategies developed.
- To involve all interested parties and those who can bring pressure to bear on any problem, for example local schools.
- The police have the main law enforcement powers but their involvement uses resources and they cannot be everywhere. Get the police interested and involved but use their resources effectively. One way of doing this is to channel good quality evidence of illegal MPV use to the police to enable them to target their efforts cost-effectively.
- Formulate a long term and consistent strategy for dealing with illegal MPV use. Make sure the strategy fits with any wider crime prevention, education and community strategies. Strategies and partnerships need to span wide geographical areas to reduce the risk of displacement.

### 5. *Formulate tactics appropriate to the site or area situation.*

- While a single strand strategy may work in some places it is more likely that successful tactics will include a range of initiatives drawn from within
  - Enforcement;
  - Engineered physical measures;
  - Education; and
  - Provision of legal facilities.
- Remember that effective tactics in one area always carries the risk of displacement elsewhere either within the local area or further afield.

6. *Implement the strategy and follow-up over the long term.* Ensure in particular that:

- The resources available match the input required. Gaining the commitment of adequate resources (especially those of the police) will be a key to successful implementation of the strategy.
- All of the resources available are used including, for example volunteers to help with the identification of illegal MPV users and to help with the operation of legal off-road facilities.
- Implementation is monitored and feedback collected to make sure that the strategy stays on course and can be adapted to meet changing circumstances.
- The interest of all parties is maintained, often a challenge when the more serious issues have been dealt with. If necessary scale back the input as any problems reduce.
- The strategy does not become a victim of its own success – as illegal MPV activity drops, resources are moved onto other/newer priorities, allowing a resurgence of illegal activity.



# References

## Chapter 1 References

Defra and Welsh Assembly Government, December 2005. *“Regulating the use of motor vehicles on public rights of way and off road. – a guide for Local Authorities, Police and Community Safety Partnerships”*. PB 11381 – Defra, London.

## Chapter 2 References

Wales Off-Road Motorcycling Steering Group, 2005. *Annual Report 2006*. Forestry Commission, Countryside Council for Wales and others.

MCI, March 2006. *Motorcycles for use on Private Property (MUPPs) – A briefing note*. Motorcycle Industry Association Ltd., Coventry.

Auto-Cycle Union, 2006. *Best practice guidelines for the operation and management of off road motorcycle facilities*. Auto-Cycle Union, Rugby.

## Chapter 5 References

Defra and the Countryside Agency, 2005. *Report of a research project on Motor Vehicles on byways open to all traffic*. Department for Environment, Food and Rural Affairs, Bristol.

## Chapter 6 References

David Giles (TRF), 2006. *Personal Communication*.

DfT, 2006. *Transport Statistics Bulletin Compendium of Motorcycling Statistics 2006*. [www.dft.gov.uk/transtat](http://www.dft.gov.uk/transtat)

DfT, 2005. *The Government's Motorcycling Strategy 2005*. [www.dft.gsi.gov.uk](http://www.dft.gsi.gov.uk)

MCI, 2006. *December 2006 New Registration Figures for Motorcycles, Mopeds and Scooters*. MCI Public Relations Office, Coventry.

MCI, 2005. *Pocketbook 2005*. Motorcycle Industry Association Ltd., Coventry.

MCI, 2006. *Fact Sheet - Women and Motorcycling*. Motorcycle Industry Association Ltd., Coventry.

MCI, 2006. *Motorcycles for use on Private Property (MUPPs) – A briefing note*. Motorcycle Industry Association Ltd., Coventry.

Nick Brown, 2006. *Personal Communication*.