North York Moors Green Lanes Alliance – written evidence (NER0007)

This is the response from the North York Moors Green Lanes Alliance.

This alliance was formed by a group of horse riders in May 2015 to try to influence the North York Moors National Park Authority and North Yorkshire County Council to take a proactive stance on controlling inappropriate and unsustainable use by motor propelled vehicles on unsurfaced, unclassified roads which is compromising the rights of lawful non-motorised users. Our circulation list includes horse riders, livery yards, riding stables, residents, walkers, rambler groups, cyclists, farmers, gamekeepers, Parish Councils & the North York Moors Association,

Our response to Question 6 “Do the arrangements and provisions for enabling and managing access to the countryside remain appropriate? Our answer is No.

And Question 11 “Are there any further parts of the Act which are currently in force that need to be re-considered as a result of developments since 2006” Our answer is Yes.

There are two areas we would like to bring to your attention:

A) It is our opinion that there are serious problems with the effect of section 67 (2) (b) particularly in relation to equestrians of which there are some 3 million regular horse riders. In our opinion all unsurfaced unclassified roads should be added, by legislation, to the definitive map as restricted byways.

Our reasons are as follows:

1) The List of Streets contains both tarmacked minor roads and the unsurfaced unclassified roads (UURs) which are not tarmacked and have a stone, grass or earth surface. We consider that the UURs are not part of the “ordinary road network” as described by Defra because they cannot be used by ordinary vehicles. In most cases the UURs can only be used by 4x4 vehicles, off road motor bikes, tractors and quads.

2) Defra guidance is that each UUR should be looked at individually. In addition many highway authorities take the view that since the user rights are not recorded on the List of Streets, there can only be an assumption of a minimum of footpath rights and higher rights should be proven on a case by case basis. For a highway authority like North Yorkshire County Council where there are some 740 km of UURs and a large backlog of applications (some 137 as of October 2016) to amend the definitive map (DMMOs) this is completely impractical without a huge increase in resource but contrarily due to government cutbacks this area of work has already been seriously reduced.

3) Under current legislation a UUR can only be added to the Definitive Map as a public footpath, bridleway or byway open to all traffic (BOAT).
4) It is most likely that virtually all the UURs will meet the condition to be recorded on the Definitive Map as a BOAT. If they had met the condition to be recorded as a footpath or bridleway in the vast majority of cases this would have been done at the time of the preparation of the definitive map in the 50s and 60s.

5) In recent years there has been a large increase in recreational use by off-roading motor vehicles, motor bikes and quads, and the disproportionate amount of damage done on UURs by them many have become unusable for horse drawn vehicles and at best difficult for horse riders. Some UURs are so badly damaged by ruts that you cannot even walk on them.

6) Equestrians are particularly badly affected by the whole question of recording user rights on UURs. In many places the bridleway network is poor, fragmented and severed by major roads. UURs are really important off road routes and there are areas where there are more UURs than bridleways.

7) Equestrians do not want any UUR to be recorded on the definitive map as a footpath as there are no recorded rights for them to use such. As already stated it is most unlikely that many UURs will be bridleways and so it is better for the equestrian to have a UUR recorded as a BOAT than a footpath.

8) However as already stated many UURs are very badly damaged by ruts made by motor vehicles, motor bikes and quads and their use itself can affect both the enjoyment and safety of equestrians as well as other users and so in practice equestrians are “between a rock and a hard place”.

9) The Highway Authority could keep these UURs in repair but they do not have the funding to do so. In addition they can make traffic regulation orders to control inappropriate and unsustainable use by off-roading motor vehicles but as discussed below are reluctant to do so.

10) The passing of legislation to record these UURs on the definitive map as restricted byways would save the Highway Authorities a considerable amount of time, effort and money. They would not have to make and process any applications to amend the definitive map and deal with objections, they would not have to make traffic regulation orders to prohibit motorised users and therefore would not have to deal with any objections via the High Court and the underlying maintenance responsibility would be curtailed. Basically the UURs would be maintained as a bridleway. We suggest that use by the occasional light horse drawn vehicle would have little or no effect on the maintenance responsibility.

B) It is our opinion that section 72 of the NERC Act 2006 is not working as expected and there needs to be a much simpler way for the National Park Authorities and Highway Authorities to control the inappropriate use of unsurfaced unclassified roads often referred to as green lanes by recreational motor vehicles; 4x4s, motor bikes and quads. “Off-roading” has become increasingly popular and since there is no money to repair these green lanes to the required standard for use by motor vehicles, their condition has seriously deteriorated which in itself is an attraction for off-roaders and a serious detriment to lawful non-motorised users.
Our reasons are as follows:

11) Section 72 of the NERC Act 2006 enabling National Parks to implement traffic regulation orders under the Road Traffic Regulation Act 1984 was to be welcomed as it was hoped that this could be used by the North York Moors National Park Authority to deal with the increasing environmental problems being caused by inappropriate and often unsustainable use of the historic green lanes (unsurfaced unclassified roads) as off-roading courses by recreational 4x4s and scramble type motor bikes. On some routes the physical damage had become so extensive and severe that it was preventing their lawful use by walkers, cyclists and horse riders and was not being dealt with by the North Yorkshire County Council in whose considered opinion ‘UURs are the lowest priority of highway management’ (NYCC BES report 21st July 2017).

12) In 2009 following extensive motor vehicle damage four green lanes (U2424, U618, U2334 & U569) to the east of the National Park were considered by North Yorkshire County Council to warrant permanent traffic regulation orders to prohibit abuse by recreational off-road motor vehicles but the County Council were unable to proceed with these orders because it ‘was clearly going to require significant resources to pursue the necessary negotiations and reports required to complete the Traffic Regulation Order (TRO) process’ and the Area Highways Office was unable ‘to allocate sufficient resources to this issue’ (NYCC Improvement Manager 20th November 2009).

13) This shortage of resources led to no further permanent traffic regulation orders being attempted by the County Council until 2016 (see (16) below).

14) The growing problem led in 2012 to the North York Moors National Park carrying out a survey of its 201 green lanes (UURs) which includes scheduled ancient monuments and medieval pack horse routes and categorized 165 as being highly vulnerable. They identified the nine highest priority routes, not necessarily the most damaged, and an officer was assigned to carry out the necessary detailed route assessments and condition surveys each one some 40 pages long with supporting photographic evidence. Seven were completed recommending permanent traffic regulation orders banning all recreational motor vehicles but in 2014 funding cuts resulted in the officer being made redundant, the work ceased and no orders were made.

15) These nine route assessments on the National Park’s highest priority routes were made available to the County Council but with different priorities to date, some three years later, there are still no permanent TROs in place.

16) Because of the complexity of implementing permanent TROs they are open to challenge by off-roading groups regardless of their merits and the provisions of section 72 of the NERC Act are not being implemented to safeguard the National Park. In 2016 (see (13) above) the North Yorkshire County Council did try to implement their first traffic regulation order in the National Park for some 7 years
but procedural errors led to the order on Seggimire Lane near Whitby (U2334) being challenged by the TRF (an off-roading motor bike group) and the order being quashed in the High Court with costs of £10,000 being awarded against the County Council. This is a major disincentive for the authorities especially with current funding reductions.

17) In over eight years no permanent TROs of any kind have been made by the National Park nor have any permanent TROs been made by the County Council despite overwhelming evidence of the inappropriate and unsustainable use of the National Park’s historic green lanes by recreational 4x4 and motor bikes.

18) The desired and most practical solution was probably best put by David Bowe the Corporate Director of Business and Environmental Services at NYCC in a letter to Robert Goodwill MP on the 7th July 2014:

‘the County Council would like to see new legislation introduced that would enable us to manage and maintain this network of unsurfaced roads on both a sustainable basis and modern context. For example this legislation would remove all (mechanically propelled) vehicular rights from these routes, at the same time it would prescribe the route status as being equivalent to those of a bridleway but would need to provide sufficient flexibility for local highway authorities to identify a ‘higher’ status based upon route capacity and competence’.

19) The County Council does use temporary TROs of an 18 month duration which are both straightforward to implement and un-contestable but when these lapse the environmental, sustainability and nuisance problems caused by inappropriate MPV use return.

20) It is respectfully the opinion of the NYMGLA that section 72 of the NERC Act is not working as expected and there needs to be a much simpler way for National Park Authorities and/or Highways Authorities to control the inappropriate use of green lanes by recreational motor vehicles.

21) Troutsdale Brow green lane U7069 & U7071 August 2017 after 6 years of complaints - also see chronology attached.
The same lane on a section where it is inaccessible to off-roaders

22) Should the Select Committee require any further evidence as to the extent of the environmental and physical damage being done to the nation’s historic green lanes by inappropriate off-roading motor vehicles we would be only too pleased to provide this either in the form of videos on CD or memory stick.

Yours sincerely

Clive Proctor
Joint Chair
North York Moors Green Lanes Alliance

In February 2011 the North York Moors National Park Authority referred local complainants to the County Council as the authority responsible.
PHOTOS TAKEN 2011- 12


These routes although badly damaged did not form part of the National Park Authority’s nine highest priority routes.

PHOTOS TAKEN 2014 & 2015
No further traffic regulation orders or repairs have been forthcoming and although these once scenic green lanes were enjoyed for decades by local horse riders and walkers with little or no maintenance they are now only the province of off-roaders with the NPA and CC seemingly unable to bring an end to this unacceptable abuse of these historic lanes in one of the Country’s National Parks.

1 September 2017