

**Committee:** ACCESS  
**Date:** 14 January 2010

**Report:** PROPOSED MANAGEMENT OF 5 'GREEN LANES' (UNSEALED ROUTES) IN THE YORKSHIRE DALES NATIONAL PARK

### **Purpose of the Report**

1. The purpose of this report is to seek decision on the proposed future management of 5 'green lanes' which are unsealed routes used by recreational motor vehicles in the Yorkshire Dales National Park.

### **Strategic Planning Framework**

2. The information and recommendation(s) contained in this report are consistent with the Authority's statutory purposes and its approved strategic planning framework:
  - ***National Park Management Plan***  
AR2. Identify the most appropriate measures to manage the use of motorised recreational vehicles on each sensitive 'Green Lane', and put all such measures in place by 2011.

### **Background**

3. A report to the July 2009 Access Committee outlined the result of the High Court case brought by the Land Access Recreation Association (LARA) and two individuals against the National Park Authority. This resulted in four traffic regulation orders placed on 'green lanes' in the Yorkshire Dales National Park to restrict their use by recreational motor vehicles being quashed.
4. For two of these routes, Stockdale Lane and Harber Scar Lane, the Definitive Map Modification Order process has now reached a point where officers have concluded that they do not provide a through route for recreational motor vehicles. These routes will be signed accordingly on the ground, and we will work with the police on enforcement action where necessary.
5. For the other two routes, Arncliffe Cote to Street Gate and Gorbeck Road, the route assessment reports have been updated and the Authority now needs to reconsider the management required. In addition to these two routes, the report to Access Committee dated July 2009, identified a further three routes as being of potentially high sensitivity to motor vehicle use following fieldwork. An undertaking was made to produce a detailed assessment report and consider the management that should be applied to these. This report, therefore, considers the following five routes (see **Appendix 1** for a summary of these routes):

1. Gorbeck Road between Langcliffe and Langscar Gate
  2. Arncliffe Cote to Street Gate
  3. Bluecaster Side, near Sedbergh
  4. Dawson Close, Littondale
  5. Fremington to Hurst, Swaledale
6. The Authority must approach the management of all these routes with an open-mind, and look at the management of Arncliffe Cote and Gorbeck Road afresh on the basis of the updated evidence in the route assessment reports.

### **Yorkshire Dales Green Lanes Advisory Group**

7. The Yorkshire Dales Green Lanes Advisory Group was set up as a balanced group to advise the Authority on the management of green lanes. At its meeting on 26 November 2009 the Yorkshire Dales Green Lanes Advisory Group (YDGLAG) considered the detailed assessment reports for the five routes listed above. The full notes of the YDGLAG meeting are in **Appendix 2**.

### **Management Options**

8. The Authority's guiding document in relation to 'green lanes' management is 'A framework for the management of green lanes (unsealed routes) in the Yorkshire Dales National Park – November 2007' which pulls together all of the relevant Government guidance as it applies to a National Park and the Yorkshire Dales National Park Authority's policy. The framework outlines the importance of an evidence based approach to deciding possible options for management on each of these routes. Options that should be considered include:
- Do nothing
  - Repair the route
  - Maintain the route
  - Seek voluntary restraint on use of the route from specified users
  - Place legal restriction (traffic regulation order – TRO) on use of route from specified users eg:
    - Limit use of the route to a specified number of users each month ( a permit system)
    - Seasonal restriction on use (preventing use at specified times of year)
    - Other partial restriction (eg preventing use for certain number of days or at certain times of day)
    - All year round restriction on use
9. Under the Road Traffic Regulation Act 1984 (RTRA 84) as amended by the Natural Environment and Rural Communities Act 2006, a National Park Authority is able to make a TRO for any byways open to all traffic, restricted byways, bridleways, footpaths and certain unsurfaced carriageways (or part of) where it appears expedient to make it, and having considered the requirements imposed by section 122 of the RTRA 84.
10. **Appendix 3** provides a brief summary of the key issues for each of the routes, the YDGLAG advice and officers' recommendations for future management.

## **Possible Traffic Regulation Order**

11. At this stage a Traffic Regulation Order is being considered as a possible appropriate management solution on one of the routes; Gorbeck Road. Under the Authority's delegation scheme the Head of Park Management has taken the decision to consult under Regulation 4 of The National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007. This first stage consultation is purely seeking views on the possibility of making a traffic regulation order on this route and does not specify what form any order may take. As this is a delegated decision for the Head of Park Management, it is only for members to note at this stage. A report will be brought to the April Access Committee meeting with the results of this consultation with statutory consultees. On the basis of the consultation and the evidence only then will it be for members to decide whether to proceed with the next stage of the traffic regulation order process.

## **Conclusion**

12. This report deals with five green lanes with high sensitivity to use by recreational motor vehicles. The recommendations for each route detailed in **Appendix 3** are the culmination of detailed assessments and Members are asked to consider each route in the light of the assessment report, the advice of the YDGLAG and officer's recommendations. In making decisions on each route, the Committee should fairly and objectively consider the implications of its actions on all recreational users of the National Park.

## **RECOMMENDATION**

13. It is recommended that members consider and agree or note the management for each of the routes in Appendix 3, as appropriate.

**Mark Allum – Access Officer (projects)**

**Kathryn Beardmore – Access and Recreation Manager**

18 December 2009

### Background papers:

Yorkshire Dales Green Lanes Advisory Group, notes of meeting on 26 November 2009

A framework for the management of green lanes (unsealed routes) in the Yorkshire Dales National Park – November 2007 (amended July 2009)

Access Committee Report 26 July 2007 Decision Making – Issues of Pre-determination and Code of Conduct

Access Committee Report 16 July 2009 Review of 'Green Lane' Routes Considered to be of Moderate or Low Sensitivity

Individual route assessment report on the use of recreational motor vehicles as follows:

1. Gorbeck Road, November 2009
2. Arncliffe Cote to Street Gate, November 2009
3. Bluecaster Side, November 2009
4. Dawson Close, November 2009
5. Fremington to Hurst, November 2009



**Details of the 5 Sensitive Routes being considered in this report**

Route Name	Ranger Area	Grid Ref From	To	Current Status if known or Unclassified County Road?	Comments
Gorbeck Road	Malhamdale and Lower Ribblesdale	SD829 653	SD888 648	BOAT	Part of the route is a section of the Pennine Bridleway National Trail
Arncliffe Cote to Street Gate	Malhamdale and Upper Wharfedale	SD905 656	SD909 663	BOAT and bridleway	Bridleway section from SD909 635 to SD947 705
Bluecaster Side	Cumbria	SD700 962	SD712 978	Unsealed unclassified road	
Dawson Close	Upper Wharfedale	SD898 743	SD855 728	Unsealed unclassified road	
Fremington to Hurst	Swaledale (continues beyond National Park boundary)	NZ044 001	NZ045 022	Unsealed unclassified road	Route leaves the National Park at NZ044 006.



Yorkshire Dales Green Lanes Advisory Group Meeting  
26 November 2009  
The Victoria Centre, Settle

Notes of Meeting

**Present:**

**Chair:**

Dr Malcolm Petyt, YDNPA Recreation Management Member Champion

**Members present:**

Neil Hesletine (Farmer)

Stuart Monk (NYTMAG)

Mark Dale (4x4 users)

Ken Miller (Horse rider & LAF)

David Gibson (attending in place of Michael Bartholomew)

Nathan Yeo (4x4 users)

**Officers in attendance:**

Doug Huzzard (NYCC)

Jon Avison (YDNPA)

Mark Allum (YDNPA)

**Apologies:**

Jon Beavan (Businessman & LAF)

Michael Bartholomew (GLA& LAF)

Pat Whelan (Landowner & LAF)

David Gibson (CCC)

Kathryn Beardmore (YDNPA)

**1. Welcome and introductions**

Nathan Yeo was welcomed to his first meeting. He is a 4x4 user and has links to commercial operators.

**2. Notes of previous meeting and matters arising**

- **Other signage.** The Long Lane byway at Helwith Bridge now has fingerposts in place. SM queried whether signs explaining that people might meet motor vehicles were in place on this route and Gorbeck Road.  
**Action: MA to check and place if necessary**
- **Agricultural use of routes.** MA has discussed this issue with rangers and it can be pursued on an individual route basis where it has been identified as an issue. This is in an influencing role only.

- **West Cam Road.** Repairs to the drainage have now been carried out on the section past the forestry.
- **Windy Pike Lane.** This has been checked but no sign of regular recreational motor vehicle use is present.
- **Deadmans Hill.** NYCC have looked at this route in conjunction with Michael Bartholomew, and have carried out a full condition survey. There has been a significant deterioration in the surface condition of this route since the previous survey in 2007 at the section above Scar House reservoir. NYCC regard this route as a priority for management and maintenance following the adoption of a policy on the management of UURs. The draft policy was expected to go out to consultation in December 2009.
- **Carlton to Melmerby Moor.** YDNPA and NYCC have consulted with landowners on this route, and have agreed to place a gate in the fence line to open up the definitive line of the route. YDNPA will be organising low key repairs to sections with old deep ruts.  
**Action: Use of the route by motorcycles has declined since the last meeting, but SM to publicise further that this route should not be used as some use is still occurring.**
- **Arten Gill to Widdale Foot.** NYCC are investigating whether a stopping up order has been made, but no result as yet.
- **Pockstones Moor.** Repair work has not yet been carried out.
- **Red Way.** The vehicle logger was moved to a location beyond the grouse butts in August. This will be downloaded in December 2009 and April 2010, and the analysis will be available for the next GLAG meeting.

### 3. The High Court judgment and implications

LARA and two individuals challenged YDNPA in the High Court on 8 of the traffic regulation orders that have been made, asking for the orders on four routes to be quashed. Their action was successful, and orders on four routes were quashed. This was on two grounds. The first was a failure by YDNPA to show how s122 of the Road Traffic Regulation Act 1984 had been taken into account in making the TROs. The second was the fact that route status had been taken into consideration. This applied to routes where there was an application for BOAT status, and the routes status was unclear at the time the legal challenge was made – this only applied to two routes. Further research has subsequently been carried out to clarify the status of these.

It was explained that despite the outcome YDNPA members do not regret allowing the action to go to the High Court as the outcome has clarified how the legislation should be applied for all national park authorities. Defra have now issued a guidance letter to National Park Authorities, confirming their omission of reference to s122 in both the Regulations for NPAs and the associated guidance, and advise that when making a TRO NPAs should clearly show how s122 has been taken into account.

The implications of the judgment on the ground are that Gorbeck Road is open for motor vehicular use, but the other three routes do not provide through routes for motor vehicle use.

#### **4. Updates on Stockdale Lane and Harber Scar Lane**

Stockdale Lane has been thoroughly investigated by the Definitive Map team and no substantive evidence of historic vehicular rights has been found. The application to make the route a BOAT was, therefore, refused. [Subsequent to this decision the application has also been affected by the Winchester case<sup>1</sup>]. The decision has been appealed and so it has been sent to Government Office for Yorkshire and Humberside (GoYH). It has been with GoYH for 18 months and a decision is still awaited.

Harber Scar Lane has also been thoroughly investigated by the Definitive Map team. They found that there was historic evidence of vehicular use for this route, but that the application for BOAT status had also been affected by the 'Winchester' decision. The Order made for this route was, therefore, that Harber Scar Lane should be a restricted byway from Horton-in-Ribblesdale through to the parish boundary in Greenfield forest. An Order has been made for BOAT from this point through to High Greenfield. There is one outstanding objection to this order opposing the BOAT section. If this cannot be resolved it will go to the Secretary of State for determination.

Following the removal of the traffic regulation orders there was an increase in motor vehicle use of these routes, which was believed to be partly due to a lack of clarity in the information that was made available to the public. There are indications that this use has reduced as the information regarding the applications is becoming better known.

#### **5. Route assessment report on Gorbeck Road**

The implication of the High Court case for Gorbeck Road is that it is available for motor vehicular use, and that its management needs to be re-assessed. SM and MD stated that they had not had sufficient time to consult those they represent on what management should be applied to Gorbeck Road, although they were happy to discuss the assessment report at the meeting. It was decided that the situation, as it stands, would be circulated immediately after the meeting, and they would consult their members and pass the results to MA. MA will circulate this via email to the YDGLAG to see if the group could reach a consensus on the advice it would give on this route after the meeting.

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<sup>1</sup> 'Winchester'. This was the case that decided the issue of whether or not an application, where it was made before the 20 January 2005, was in fact a valid application. Schedule 14 to the Wildlife and Countryside Act 1981 prescribes how applications for DMMOs must be made. Section 67(6) of the 2006 Act (NERC) requires that applications be made in accordance with schedule 14. However, Authorities, prior to NERC, had taken a flexible approach to these requirements. The Winchester case decided that if an application is to save MPV rights it must have been made strictly in accordance with the requirements of schedule 14. If a case is referred to as being affected by Winchester it means that the Authority has determined that the application was not made strictly in accordance with the requirements of schedule 14 and therefore cannot be regarded as a valid application. Therefore it cannot have the effect of saving MPV rights.

The evaluation report had been circulated and the following key points were highlighted:

- Good area for breeding birds, and areas of blanket bog adjacent to route. Only vulnerable if vehicles leave the route.
- Important archaeology close to the route. Only vulnerable if vehicles leave the route.
- Diverse visual character and widely visible from surrounding area.
- Repair to part of the route involving engineering work was undertaken as part of the implementation of the PBW.
- The route had high importance (in terms of value to the network) as part of the 'Settle Loop'.
- Balance of use surveys show the number of walkers and cyclists has gone up following the opening of the Settle Loop, and the numbers of motorcyclists had gone down. However the number of 4x4s using the route had gone up following the confirmation of motor vehicular rights and BOAT status.
- The condition survey shows the repaired section of the route, on the whole, to be in good condition. On the section of the route with a vegetation surface some damage is occurring primarily due to 4x4 use. A comparison of previous surveys shows that condition was worst in February 2008, and that there was a noticeable improvement by the survey in March 2009.

There was a discussion concerning potential conflict of motor vehicles with other users on the narrower sections of the route, although no incidents of direct conflict have been reported. There was also discussion about the route being part of a National Trail and what relevance it did or didn't have. It was agreed that this was only relevant because it has led to much higher levels of use by walkers and cyclists.

The group was unable to give formal advice at the meeting, but there was general view that some form of management was required and the form of management would be determined following further email discussion subsequent to the meeting.

### YDGLAG Advice

At the meeting the group was unable to give formal advice as the motor vehicle users had been unable to seek the views of their members in the time available since receiving the papers.

[Following email discussion after the meeting, the advice of the group was:

All members of YDGLAG agree that this is a route which requires some form of management, and that this will need to involve restricting recreational motor vehicles to some degree. The group were split between the use of a seasonal TRO and a full year round TRO. There was also no consensus on whether any TRO should be permanent or time limited].

## **6. Route assessment report for Arncliffe Cote**

Arncliffe Cote is recorded as a bridleway from Arncliffe Cote Farm through to Great Close Mire, and is then recorded as a BOAT through to Street Gate. Although the current BOAT application has not been fully investigated by the Definitive Map team, it is accepted that it

will not lead to a through route for motor vehicles as it has been affected by the Winchester case.

The findings of the report show:

- Natural England and YDNPA staff have identified vulnerable ecological features on and close to the route, which could be adversely affected by an increase in motor vehicle use
- YDNPA staff have identified archaeological features that could be vulnerable to increased use by motor vehicles.
- Levels of use by agricultural vehicles is extremely low with only 5 per month recorded during the TRO period. 4x4 use along the length of the route is unlikely because of the presence of narrow gateways. Motorcycle use since the quashing of the TRO has increased, and is currently an average of 12 per month.
- Condition surveys show the surface condition of the route to be static.
- There is evidence of use of the route by walkers and cyclists. Some agricultural use is evident at both ends.

### YDGLAG Advice

The consensus of the group was that a traffic regulation order for the short BOAT section was not required, and that use by motor vehicles should be discouraged through signage and publicity. This should be agreed with the TRF and include their logo to gain greater compliance with the voluntary restriction.

## **7. Route assessment report for Bluecaster Side**

The key findings of the report are:

- Bluecaster Side is a unclassified county road of which 2.4km is unsurfaced
- An old roman road, and then mediaeval drove road
- Cuts across a geological SSSI
- Superb views of the Howgills from the route
- The condition survey recorded few signs of recent use. There is some water damage. It was apparent that many users deviated from the historic line.
- Levels of use average 32 motor vehicles per month, of which approximately 76% is agricultural. Unusually motorbike use is higher during the week.
- The A683 can be heard from part of the route.
- Increased use could cause damage to the route surface, and to the ecological and heritage features of the route.

### YDGLAG Advice

The consensus of the group for this route was:

- Drainage repairs are needed at the Rawthey Bridge end and a number of other locations;
- Use of the route and its condition should continue to be monitored, and its management revisited if any significant changes occur.

## **8. Route assessment report for Dawson Close**

The key findings of the report are:

- Dawson Close is a UUR, 4.9km in length connecting two minor tarmac roads
- Route is adjacent to Pen-y-ghent Gill SSSI. Natural England have conducted a site visit and do not believe motor vehicle use is damaging the site.
- There are important species on and close to the route. English Sandwort in particular could be vulnerable to increased use.
- Busy archaeological landscape
- Route offers high level traverse with excellent views
- The condition of the majority of the route is good; it is well drained with bedrock close to the surface. Water damage is apparent on the descent to Littondale.
- Average level of motor vehicle use is 50 per month which is approximately 55% agricultural and 45% recreational.
- Part of the route is used for the Alan Jeffries motorcycle trial.
- Dawson Close offers good opportunities to enjoy special qualities for all users, including the less able.

### YDGLAG Advice

There was consensus from the group that repairs to the water damaged section were urgently needed. There was no consensus on whether any other management was required. The group was split between those who felt that current levels of use were sustainable, and those who believed that the route was so special that it should be protected with a TRO.

## **9. Route assessment report for Fremington to Hurst.**

The key findings of the report are:

- The route between Fremington and Hurst is a UUR. The unsurfaced section is 2.3km long with the majority being outside the National Park
- Runs through extensive mining landscape
- Good views of Swaledale, Arkengarthdale and Fremington Edge
- The section of the route outside the National Park is in good condition. The section in the National Park has areas of deep rutting, severe washout, and large loose stone.
- Average levels of use are 71 motor vehicles per month, of which around 76% is recreational
- The route is used by both the Reeth 3-day trial and the Scott Trial.
- Limited balance of use studies show high levels of recreational motor vehicle use
- Concerns about off-route 'playing' in the mining remains have been raised

It was noted that this is a cross boundary route, and so only NYCC could place a TRO on the whole route. NYCC were unlikely to see this as a route that should be managed in this way.

The issue of vehicle noise was discussed. SM asked whether this was caused by motor vehicles using the route or by vehicles 'playing' off route. This is not known at present.

## YDGLAG Advice

The consensus of the group for this route was:

- Repairs are needed on the National Park section, although it was acknowledged that this would be physically difficult, these repairs should be priced up anyway.
- Off-route use needs to be addressed. Consideration should be given to clear signage and working with the police.

## **10. Undergrounding in Kingsdale**

United Utilities are currently undergrounding all the electric cables in Kingsdale. This has involved digging up a section of Twisleton Lane. This has now been reinstated.

## **11. Any other business**

**Signage on routes.** SM feels that this is causing some confusion amongst users, especially on BOAT application routes.

***Action: alterations in signage to be on the agenda for next meeting***

**Electric motorcycles.** SM would like to do a presentation on electric motorcycles.

***Action: Place on agenda.***



## Recommendations for the Future Management of 5 Unsealed Routes

### **Gorbeck Road**

#### YDGLAG advice

1. All members of YDGLAG agree that this is a route which requires some form of management, and that this will need to involve restricting recreational motor vehicles to some degree. The group were split between the use of a seasonal TRO and a full year round TRO. There was also no consensus on whether any TRO should be permanent or time limited.

#### Officer Considerations

2. The presence of significant vehicle ruts on the section of the route with a vegetation surface diminishes the natural beauty of the area, and has an impact on the quality of experience for non-motorised users, when motor vehicles were not present.
3. The route has high levels of tranquillity, which will be diminished when motor vehicles are present.
4. There is a general view that this route does need to be managed, and that this should include some form of restriction on recreational motor vehicle use.

## **RECOMMENDATION**

5. **Members to note that on the basis of the evidence and views expressed the Head of Park Management, under the Scheme of Delegation to Officers, has decided to go out to formal consultation under section 4 of the Regulations of The National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007.**

### **Arncliffe Cote to Street Gate**

#### YDGLAG advice

6. The consensus of the group was that a Traffic Regulation Order for the short BOAT section was not required, and that use by motor vehicles should be discouraged through signage and publicity. This should be agreed with the TRF and include their logo to gain greater compliance with this voluntary restriction.

#### Officer Considerations

7. The removal of the Traffic Regulation Order led to some initial confusion amongst motor vehicle users as to whether the route was 'open' for motor vehicle use or not. The information has now been clarified, and it is expected that levels of use by motor vehicles will reduce further.

8. The short BOAT section of the route is highly sensitive to motor vehicle use; however it is believed that this use can be discouraged through signage and voluntary restraint.

## **RECOMMENDATION**

9. **It is recommended that for the route known as Arncliffe Cote:**
- (a) Voluntary restraint continues to be requested and clear signage be placed at appropriate locations to discourage use by recreational motor vehicles;**
  - (b) Monitoring of the route continues.**

### **Bluecaster Side**

#### YDGLAG advice

10. The consensus for this route was:
- Drainage repairs are needed at the Rawthey Bridge end and a number of other locations.
  - Use of the route and its condition should continue to be monitored, and its management revisited if any significant changes occur.

#### Officer Considerations

11. Nothing to add.

## **RECOMMENDATION**

12. **It is recommended that for the route known as Bluecaster:**
- (a) Drainage repairs are carried out at the Rawthey Bridge end of the route;**
  - (b) Use of the route and its condition continue to be monitored, and its management revisited if any significant changes occur.**

### **Dawson Close**

#### YDGLAG advice

13. There was consensus from the group that repairs to the water damaged section were urgently needed.
14. There was no consensus on whether any other management was required. The group was split between those who felt that current levels of use were sustainable, and those who believed that the route was so special that it should be protected with a TRO.

#### Officer Considerations

15. This is an area with many special qualities, however it is noted that levels of use of this route by all types of recreational user are relatively low.
16. Repairs are in the process of being undertaken.

17. The current low levels of use by recreational motor vehicle use will have a minimal impact, and so no restriction is needed on a pre-emptive basis.

## **RECOMMENDATION**

**18. It is recommended that for Dawson Close the route continues to be maintained and monitored.**

### **Fremington to Hurst**

#### YDGLAG advice

19. The consensus of the group for this route was:

- Repairs are needed on the National Park section, although it was acknowledged that this would be physically difficult, these repairs should be priced up anyway.
- Off-route use needs to be addressed. Consideration should be given to clear signage and working with the police.

#### Officer Considerations

20. The levels of use by recreational motor vehicles are relatively high.

21. This is a cross-boundary route, and the most tranquil part of the route is beyond the National Park boundary.

22. The key issue at the present time is recreational motor vehicles leaving the route to 'play' in the mining industry remains, and enforcement action should be taken before any further management considered.

23. The route should continue to be monitored.

## **RECOMMENDATION**

**24. It is recommended that for the route from Fremington to Hurst:**

- (a) Continue to monitor the route;**
- (b) Consider signage for the route, in conjunction with NYCC, to ensure responsible use by motor vehicle users;**
- (c) Establish a suitable specification to repair the route, and seek funds to carry it out.**