

North York Moors National Park Authority Local Access Forum

6 March 2012

Response to NYCC's Un-Surfaced Unclassified Roads Policy Consultation Draft on the Use and Management of such Routes in North Yorkshire

1. Purpose of the Report

- 1.1 To inform Members of a draft National Park Authority response and prompt a LAF reply to the North Yorkshire County Council consultation.

2. Background

- 2.1 North Yorkshire has almost 750km of unsurfaced roads in rural areas. Locally known as "Green Lanes" they lie at the bottom of the County Council's network hierarchy, but often provide access to land and form a locally important facility. They are valued not only for the recreational opportunities they provide, but also for their intrinsic value in terms of nature conservation, heritage and landscape.
- 2.2 Whilst un-surfaced unclassified roads appear on the List of Streets maintainable at public expense, the County Council asserts that they do not necessarily carry rights for motor vehicle use. They see conflicts between users and between users and local residents, and they suffer from physical deterioration which can lead to environmental damage and disturbance.
- 2.3 In January 2012 the County Council launched its long awaited policy consultation on the use and management of unsurfaced unclassified roads (UURs) in North Yorkshire available at: <http://www.northyorks.gov.uk/index.aspx?articleid=18991>. Replies are sought by Friday 27 April 2012.
- 2.4 The Policy essentially sets out the Council's proposals to assess each route and determine whether or not it is physically capable of accommodating use by motor vehicles. Those considered to be incapable of such use will be closed by Traffic Regulation Order (TRO) and the Council will seek to have them added to the Definitive Map when maintenance responsibility will be transferred to respective Rights of Way teams.
- 2.5 UURs deemed to be capable of accommodating motor vehicles will be subject to a sustainability review in particular looking at ecological and heritage issues with the likely conclusion that vehicle use will need to be regulated in some way – by weight or time of year for example. Voluntary restraint is proposed before seasonal restrictions are put in place.
- 2.6 The Council proposes future route management to include annual inspection of routes open to motor-vehicles; the involvement of volunteer groups and close working with landowners with private vehicle access rights. A UUR Working Group is

to be re-established to provide the Council with a steer on implementation of this Policy.

3. Comments on the Draft Policy

- 3.1 The launch of this consultation is welcomed as the UURs in the North York Moors have had too many years of neglect. It is hoped that the Council can move quickly to formal adoption of an agreed Policy and make budget provision to be able to work positively with partners to protect and restore this fragile asset.
- 3.2 Acknowledging the size of the job of assessing all UURs, it is reasonable to begin with those in poor physical condition and already subject to temporary TROs. (*Para 3.1*)
- 3.3 At the heart of the policy (para 3.2.4) lies the assessment of route use-ability, but the mechanism as described lacks detail. Each and every route is potentially contentious, so it would be helpful to know how the decision will be made and by whom.
- 3.4 Where TROs are to be applied it is imperative that the required signs are erected on site to facilitate enforcement. Yorkshire Dales and Lake-District National Parks have benefited in terms of cost saving and visual intrusion from the use of signs smaller than usually required by the Traffic Signs Regulations and it is hoped that these can be used in the North York Moors. (*para 3.4.1*)
- 3.5 The addition to the Definitive Map of those UURs over which motor-vehicle use is suspended is a welcome step as this will clarify public rights and make it easier for all users to be able to plan their routes. It would however be helpful if the Council could assume them to be Restricted Byways unless the balance of evidence in a particular case points to a lower status. (*para 3.4.2*)
- 3.6 Voluntary restraint is worth attempting as a means of reducing the risk of physical route damage due to inappropriate use, but will require good publicity, a flexible, can-do approach to on-site signage and close monitoring to assess effectiveness. Off-tarmac motorcycling demand in the North York Moors seems to peak during the winter when routes are most susceptible to damage, so voluntary restraint may be best reserved for 4x4 issues. (*para 3.5.3*)
- 3.7 Whilst the Council's route hierarchy (*page 4*) is agreed, it is imperative that some reasonable budget allocation be made to the repair and maintenance of UURs if the Council is to be able to work with partners to secure their long-term viability. (*para 4.0*)
- 3.8 The North York Moors NPA recognises the significant value of the UUR network and welcomes the opportunity to work more closely with the County Council on those routes where public motor vehicle use is to be suspended. It would however be unable to fund any significant repair to damaged routes from its own budget. (*para 4.5*)
- 3.9 The re-establishment of the UUR Working Group to advise the Council on Policy implementation is welcomed, as is the invitation to LAF representatives. The proposed make-up of Group membership is a specific question in the structured questionnaire and is therefore covered in **Appendix 1**.

4. **North York Moors NPA consultation Reply**

4.1 The draft response of the National Park Authority appears at **Appendix 1**.

5. **Recommendation**

5.1 That members note NYCC progress with the UUR Policy and

5.2 agree a response to the UUR Policy Consultation Survey.

Contact Officer:
Karl Gerhardsen
Head of Recreation and Access
Tel No 01439 770657

Background Documents:

NYCC Un-surfaced Unclassified Roads Policy Consultation Draft on the use and management of such routes in North Yorkshire:

<http://www.northyorks.gov.uk/index.aspx?articleid=18991>.

North York Moors NPA Draft Response to NYCC's Un-surfaced Unclassified Roads Policy Consultation Draft on the use and management of such routes in North Yorkshire

Question 1 - page 8 of draft consultation document

The County Council is proposing a move away from a rights based network to one which is purely based upon sustainability. To do this will require routes to be assigned a status at the magistrates' court (if voluntary restraint is unsuccessful).

Do you agree or disagree with the proposal outlined above?

Answer - Yes, it is worth trying this approach, especially if there are lessons to be learned from another Highway Authority which has already tried it.

Question 2 - pages 3-4 of draft consultation document

The County Council is proposing to allocate resources for highway maintenance in accordance with the road hierarchy set out in the Table 1.

Do you agree that un-surfaced roads should have a low maintenance priority compared to more heavily used routes?

Answer - Yes, provided that at least some budget is allocated in each District each year if meaningful partnership working is to be developed

Question 3 - page 5 of draft consultation document

Do you think that the assessment of problems relating to the use of vehicles on un-surfaced roads contained in 'Making the Best of Byways' published 7 years ago is still correct?

Answer - Yes, but there are also significant issues of landscape, nature conservation, archaeology and tranquility which are pertinent to UUR assessments in the North York Moors National Park

Question 4 - page 5 of draft consultation document

Do you have any suggestions as to how responsible and legal use of unsurfaced unclassified roads in the County could be encouraged?

Answer - The County Council's website maps could be used to identify all the sustainable routes in such a way that users can easily plan their route. NYCC could provide downloadable drive /ride itineraries. Erect clear, on-site signage giving route status, destination and distance. The Lake District's Hierarchy of Trails initiative provides good examples of route promotion.

Question 5 - page 10 of draft consultation document

Can you recommend ways of increasing the involvement of volunteers in helping the County Council to manage the networks? Any examples of successful schemes that you have had experience of will be particularly welcome.

Answer - The County Council needs to adopt a "can-do" approach to the use of highway volunteers by for example by facilitating suitably qualified volunteers using power tools and plant. The North York Moors NPA has considerable experience in the use of volunteers and would be happy to offer detailed advice.

Question 6 - page 9 of draft consultation document

Do you think that the use of Voluntary Restraint on a seasonal/bad weather basis is an appropriate management option?

Answer - Yes, but it needs to be very well promoted, policed and monitored. Irresponsible users will continue, but where their use is minimal the actions of a significant majority may be sufficient for the route to become sustainable. Compliance is easiest in locations where a convenient alternative route is available. Non-standard traffic signs will be required.

Question 7 - page 10 of draft consultation document

The County Council proposes to form a UUR Working Group which will be responsible for providing guidance and advice to the Authority and others, on the management of un-surfaced unclassified roads within the County.

Who do you think should be represented on this group?

Answer -

- Local/national walking groups ✓
- 4x4 user groups ✓
- Motorcycle user groups ✓
- Local/national outdoor activity groups x
- District councilors x
- Parish councilors x
- North Yorks Moors NPA ✓
- County Councilors ✓
- Local residents x
- Other: Horse-riders/drivers ✓
 - LAF reps ✓
 - Cyclists ✓

To be successful, all Group members need to embrace the County Council's new Policy and work together to bring meaningful improvements to the management of UURs. The remit of this Group needs to be clear from the outset. Is it for example, as alluded to in para 5.2, to develop management proposals on specific UURs and recommend them to a County Council Committee for adoption?