YORKSHIRE DALES
National Park Authority

Management of the use of green lanes (unsealed routes) in the Yorkshire Dales National Park

Final framework

Yorkshire Dales National Park Authority

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Executive summary

The footpaths, bridleways, restricted byways, byways open to all traffic (BOATs) and other unsealed routes with public access in the Yorkshire Dales National Park constitute an important resource for countryside recreation, they are an important part of the cultural heritage of the area, and contribute to the special qualities and character of the National Park.

This network of routes consists of over 2,600km of rights of way and over 120km of unsurfaced unclassified road. A survey in 2005, using the local knowledge of the Ranger Service of the Yorkshire Dales National Park Authority, established that recreational motor vehicles were using over 400km of this network in the then National Park.

The use of these routes by recreational motor vehicles, whether as of right or in the belief that such rights exist, can give rise to problems that need to be addressed through effective management. The use of unsealed routes by recreational motor vehicles can affect the enjoyment of other users, impact on the local community and damage the habitat and landscape of the Yorkshire Dales.

Government guidance, and sections of the Natural Environment and Rural Communities (NERC) Act 2006, has had a significant impact in the Yorkshire Dales National Park. The NERC Act, with a few rare exceptions, removes any possible public rights for recreational motor vehicles on footpaths, bridleways and restricted byways where no application, in accordance with Schedule 14(1) of the Wildlife and Countryside Act 1981, for a BOAT had been received before the 20 January 2005. In addition, the National Park Authority can make Traffic Regulation Orders (TROs), where necessary to manage this activity, using powers under sections 22BB and 22BC of the Road Traffic Regulation Act (RTRA) 1984. The National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007 came into effect on 1 October 2007. This enables the Yorkshire Dales National Park Authority to make TROs on unsurfaced routes within the National Park. Where public rights of way do not have public rights for motor vehicles the routes are signed to make the situation clear to users if required.

When considering the management of a route, with possible or proven rights for motor vehicles, within the National Park, a number of factors will need to be considered including:

- Considerations relating to national park designation;
- The ecological sensitivity associated with the route;
- The heritage of the route and its surroundings;
- Conflict between recreational user groups;
- Concerns of local residents and landowners/managers;
- The durability of the route;
- The condition of the route;
- The frequency and type of use of the route.

In evaluating the impact of recreational motor vehicles detailed consideration of these factors will enable decisions about management of the route to be firmly based on evidence.

1. Introduction

1. The purpose of this document is to consider the legislation and government guidance on the management of recreational motor vehicle use of unsealed routes, and its effect on the Yorkshire Dales National Park. It then examines what actions should be taken to implement the policies of the Yorkshire Dales National Park Authority.

2. The footpaths, bridleways, restricted byways, byways open to all traffic (BOATs) and unsealed routes on the List of Streets (often referred to as unsurfaced unclassified roads (UURs)) in the National Park constitutes an important resource for countryside recreation. The definition of these terms is as follows:

    - A footpath is a highway over which the right of way is on foot only.

    - A bridleway is a highway over which the right of way is for pedestrians, horse riders and bicyclists (who must give way to people on foot or horseback).

    - A restricted byway is a highway over which the right of way is for pedestrians, horse riders and vehicles other than mechanically propelled vehicles (this includes a right of way for pedal cycles and horse drawn vehicles).

    - A byway open to all traffic (BOAT) is a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purposes for which footpaths and bridleways are used.

    - The List of Streets records routes maintainable at public expense. These include what are often referred to as unsurfaced unclassified roads (UURs).

3. The Definitive Map records the extent of the public's rights along a route. The List of Streets, maintained by the Highway Authority, records only the Highway Authority's maintenance responsibility and says nothing about the extent of the public rights that may exist over the route. A route can be recorded on both the List of Streets and the Definitive Map, and this is often inaccurately given the term 'dual status'. In fact, the relevance of inclusion in the List of Streets is simply that a way is maintainable by the Highway Authority and it does not define its status.

4. The term 'green lane' is often used, but has no legal meaning. It is a physical description of an unsealed track often, but not always, of some antiquity. It may be a footpath, bridleway, restricted byway or byway or it may not be recorded as a public right of way on the Definitive Map at all. The latter category of unsealed routes, not shown on the Definitive Map, may be unsurfaced unclassified roads. The term unsurfaced unclassified road is used within this report to identify unsealed routes, maintainable at public expense with some right of public access, but where the extent of these 'rights' are not clear.

5. This network of routes consists of over 2,600km of rights of way and over 120km of unsurfaced unclassified county road. The rights of way network[1] in the National Park consists of 1,758km of footpath, 788km of bridleway, 20km of restricted byway and 67km of byway open to all traffic. These routes are also an important part of the cultural heritage of the area and contribute to the character of the National Park.

6. Public rights for motor vehicles are proven for routes recorded as byways open to all traffic, and are possible, but unproven, on routes recorded on the List of Streets and not on the Definitive Map. The extent of this network is:

    - Byways open to all traffic 67km
    - Unsurfaced unclassified roads (on List of Streets but not on Definitive Map) 120km

7. The use of these routes by recreational motor vehicles[2], whether as of right or in the belief that such rights exist, can give rise to problems that need to be addressed through effective management. The use of unsealed routes by recreational motor vehicles can affect both the enjoyment of other users and the habitat and landscape of the National Park. Complaints[3] received by the Authority from individuals and parish councils illustrate how this activity, and the behaviour of a minority of recreational motorised users, causes distress to both the local community and visitors seeking tranquillity and quiet enjoyment in the National Park.

8. The Authority's objective on the use of recreational motor vehicles are contained in the current National Park Management Plan (2019-2024).

National Park Management Plan – 2019 - 2024

B10 Maintain 'green lanes' and - where appropriate - manage use by recreational motor vehicles, including enforcing any restrictions imposed by Traffic Regulation Orders.

9. This is an over-arching strategic document which sets out the collective aspirations for the National Park.

10. The Authority's thematic strategy 'Special Qualities, Special Experiences' (2019) contains the broad policies (see section 3 for further information), that sits under the National Park Management Plan objectives for access and recreation, and understanding and enjoyment, and includes green lane management.

11. The aim of this document, 'Management of the use of green lanes (unsealed routes) in the Yorkshire Dales National Park' is to translate the Authority's relevant broad policies and objectives into a framework that incorporates relevant legislation and government guidance. This will ensure a consistent approach to the management of the use of unsealed routes (byways to all traffic and unsurfaced unclassified roads) by recreational motor vehicles in the Yorkshire Dales National Park.

[1] Figures from the Authority's 'Park Profile 2016/17

[2] The term recreational motor vehicles includes all mechanically propelled vehicles whether they are road legal or not, and includes 4x4s, motorcycles and quad bikes.

[3] Complaints received through correspondence or in person.

12. To this end this document considers the subjects listed below:

- Relevant legislation and guidance.
- Why National Parks are different to other areas of the countryside.
- Factors to be considered in evaluating the impact of recreational motor vehicles on unsealed routes in the Yorkshire Dales National Park, such as:
  - Considerations relating to national park designation;
  - The ecological sensitivity associated with the route;
  - The heritage of the route and its surroundings;
  - Conflict between recreational user groups;
  - Concerns of local residents and landowners/managers;
  - The durability of the route;
  - The condition of the route;
  - The frequency and type of use of the route.
- Management options.
- How decisions on management should be made.

13. This document was first agreed by the National Park Authority following extensive consultation, during Summer 2006, and reports to the Authority's Access Committee in August 2006 and October 2007.

14. The framework was subsequently up-dated, in November 2007, following commencement of section 72 of the NERC Act to take account of the Regulations[4] and Government guidance[5] associated with it.

15. The framework has since been updated in November 2012 to take account of relevant case law, and to reflect the progress made on the management of individual routes. The revision, in 2017, took into account the increase in area of the National Park in 2016. This revision in 2022, is part of a programme of five yearly reviews for Authority policy documents.

Implications for the increase in the area of the Yorkshire Dales National Park

16. The Yorkshire Dales National Park was extended on 1st August 2016 by 417 sq kms, to include an additional area in Cumbria and for the first time part of Lancashire:

- to the north, to include the northern Howgill Fells, Wild Boar Fell, and Mallerstang, and land around Crosby Ravensworth, Maulds Meaburn, and Kirkby Stephen

- to the south, to include Barbon, Casterton and Leck fells, the River Lune and part of Firbank Fell and other fells to the west of the River Lune

17. In this area of the National Park routes with possible or proven rights for motor vehicles had been managed through Cumbria County Council's Hierarchy of Trail Routes. This included 20km of byways open to all traffic and approximately 12km of unsurfaced unclassified roads. This is discussed further in section 4.7 of this document.

[4] The National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007
[5] Defra (2007) Guidance for National Park Authorities making Traffic Regulation Orders under section 22BB Road Traffic Regulation Act 1984

2. Relevant legislation and guidance

2.1 Background

18. The National Parks and Access to the Countryside Act 1949 placed a duty on county councils to prepare definitive maps showing public rights of way in their areas. Section 53 of the Wildlife and Countryside Act 1981 placed a duty on the Surveying Authority to keep the definitive map and statement under continuous review. In the Yorkshire Dales National Park the relevant county councils are the Surveying Authorities.

19. Section 36(6) of the Highways Act 1980 requires the county councils to make and keep up to date a List of Streets that are maintainable at the public expense. This list will include A roads, B roads, class 3 roads, and unclassified roads. This latter category consists of minor roads including those that are unsealed or unsurfaced. The maintenance of unclassified roads in the Yorkshire Dales National Park remains the responsibility of the county councils. The mere fact of a route's inclusion in the List of Streets is not, in itself, proof of the existence of mechanically propelled vehicular rights. This was reiterated by Lord Bach in a debate when the Natural Environment and Rural Communities (NERC) Bill was passing through the House of Lords. Lord Bach stated that:

> *"while I am speaking about that clause [62(2)(a)], there is a particular assurance I wish to give those who are concerned that the inclusion of this provision in statute will lend weight to the view, already held in some quarters, that there should be a presumption that routes recorded on the list of streets carry vehicular rights. Defra has always maintained that inclusion on the list of streets is not conclusive evidence of what rights it carries, and there can be no presumption that these routes carry vehicular rights. Each case should be considered on its own merits. It follows that Defra takes the same view about routes shown on Ordnance Survey maps as other routes with public access."*[6]

20. Whilst there is a degree of overlap between the Definitive Map and the List of Streets leading to a number of routes being on both, the National Park Authority is delegated by the county councils as local highway authority in relation to the maintenance of footpaths, bridleways, restricted byways and byways open to all traffic only. Routes recorded on both the Definitive Map and on the List of Streets will be maintained by the National Park Authority to the standard required by the route's status on the Definitive Map.

21. The Road Traffic Regulation Act 1984 enables county councils and national park authorities (following commencement of section 72 of the NERC Act) to restrict, prohibit or regulate motorised vehicular use and other users of unsealed roads (including footpaths and bridleways) through the making of traffic regulation orders where such use is considered to be inappropriate and/or in order to protect the countryside or other users.

[6] Lord Bach 28 February 2006 – Hansard column 198

2.2 National legislation and guidance

22. In 2003 Defra produced a consultation paper on the 'Use of mechanically propelled vehicles on rights of way'[7] in which the Minister "resolved to take a fresh look at the whole issue of the use of vehicles on rights of way and in the wider countryside".

23. In 2005 Defra published a 'Framework for Action'[8] which stated how the Government intended to take forward their policy on the use of mechanically propelled vehicles on public rights of way. In his foreword the then Minister Alun Michael made it clear that "it would not be proportionate to go as far as some respondees would like, and ban motor vehicles from all public rights of way. There is a place for mechanically propelled vehicles in the countryside," whilst recognising that "there are places where the surface conditions, or surrounding vegetation or terrain mean that motor vehicles have an unacceptable impact on the surface of the ways" and "there are also places where motorised vehicles have a significant impact on other users".

24. The proposals contained in the Framework for Action were taken forward in a number of ways:
    - The Natural Environment and Rural Communities (NERC) Act 2006;
    - The revised 'Making the Best of Byways'[9] published in 2005; and
    - Guidance on 'Regulating the use of motor vehicles on public rights of way and off road'[10] also published in 2005.

25. Following this legislation there have also been a number of High Court cases which have clarified a number of aspects particularly in relation to byway open to all traffic applications, the exceptions contained in the NERC Act, and the process of making a traffic regulation order.

2.3 The effect on the Yorkshire Dales National Park

26. The NERC Act received Royal Assent on 30 March 2006 contained a number of measures which have had important implications for the management of unsealed routes in the National Park. It gives powers to National Park Authorities to make traffic regulation orders on predominantly unsealed routes, in addition to highways authorities, for the purpose of managing the use of recreational motor vehicles within national parks.

27. The National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007 came into effect on 1 October 2007. This enables the Yorkshire Dales National Park Authority to make TROs using powers under sections 22BB and 22BC of the Road Traffic Regulation Act (RTRA) 1984. These powers were introduced by Section 72 of the Natural Environment and Rural Communities Act 2006, and enacted through The

[7] Consultation paper. 'Use of mechanically propelled vehicles on rights of way.' Defra (2003)
[8] 'Use of mechanically propelled vehicles on rights of way _ the government's framework for action.' Defra (2005)
[9] 'Making the best of byways.' Defra (2005)
[10] 'Regulating the use of motor vehicles on public rights of way and off road.' Defra (2005)

Natural Environment and Rural Communities Act 2006 Commencement Number 1 Order 2007.

28. These new powers enable National Park Authorities to make TROs within a National Park on roads (or ways) which are shown on the Definitive Map and Statement as footpaths, bridleways, restricted byways and byways open to all traffic and other carriageways with a predominantly unsealed surface. The TRO may be permanent (of unlimited duration), experimental or temporary. (The Yorkshire Dales National Park Authority already had powers to make temporary orders under its delegation agreements with the county councils. The TRO powers under the delegation agreements remain and these TROs are made under different Regulations to those above).

29. The NERC Act also makes it no longer possible to establish the existence of a byway open to all traffic by reference to historic use, or other evidence relating to use by non-mechanically propelled vehicles. The Act means that such evidence will lead to the status of restricted byway, which is a route open to all users apart from recreational motor vehicles. The two relevant sections of the Act are Sections 66 and 67 which were brought into effect by means of Commencement Order on 2 May 2006.

30. Section 66 restricts the creation of new rights of way, based on use, for mechanically propelled vehicles. Section 67 extinguishes unrecorded rights of way for mechanically propelled vehicles, over routes which are not shown on the Definitive Map or which are shown only as footpath, bridleway or restricted byway.

31. The effect of Section 67 is limited by a number of exceptions, the most immediately significant of which was that in subsection (3). One effect of this subsection is that if an application for a Modification Order, for a byway open to all traffic, was made before the relevant date, any vehicular rights over that way will not be extinguished under the Act. The relevant date is 20 January 2005.

32. Thirty applications for byways open to all traffic were received between 27 September 2004 and 25 November 2005 related to routes in the Yorkshire Dales National Park. None of the applications received before the cut off date of 20 January 2005 were determined to be valid applications with the required documentation. (That is, the application was not submitted in the form prescribed in Schedule 14 of the Wildlife and Countryside Act 1981 and in the Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993. All the applications received should be processed to conclusion by the relevant county councils, but can only result in the highest status of restricted byway unless any of the exceptions within the NERC Act are shown to apply.

33. Through the relevant parts of the NERC Act, there is a greater clarity given to the status of different rights of way as shown on the Definitive Map, as there are fewer routes with potentially unproven public mechanically propelled vehicular rights over them. In effect the rights of way network in the National Park consists of:
    - Footpaths, bridleways and restricted byways which have no mechanically propelled vehicular rights over them;
    - footpaths and bridleways which could become restricted byways if evidence of historic use comes to light;
    - byways open to all traffic.

34. It will remain possible to claim byway open to all traffic status for routes listed on the List of Streets but not recorded on the Definitive Map at the time of commencement of the NERC Act, or for footpaths and bridleways where it can be shown that a right of way for mechanically propelled vehicles was established prior to 1930.

35. Prior to the commencement of sections 66 and 67 of the NERC Act, over 200km of bridleways were being used by recreational motor vehicles, in the belief that they had as yet unproven mechanically propelled vehicular rights and where a claim for byway status may, or may not have been presented. The Yorkshire Dales National Park Authority believes that commencement of the relevant parts of the NERC Act means hardly any bridleways are likely to carry mechanically propelled vehicular rights.

36. As previously stated, there are currently approximately 120km of unsurfaced unclassified road on the list of streets that are used by recreational motor vehicles but which are not on the Definitive Map. Following the change in legislation not all of these routes form 'through' routes, as the possible motor vehicular rights on the adjacent rights of way have been extinguished, and so a number of remaining routes, with possible mechanically propelled vehicular rights are effectively cul-de-sacs.

Key points

- Footpaths, bridleways and restricted byways have had any possible motor vehicular rights extinguished because no byway open to all traffic applications, in accordance with Schedule 14(1) of the Wildlife and Countryside Act 1981, were received before 20 January 2005. (In rare cases other exceptions may also be relevant; see Defra guidance for detail[11]).

- The length of unsealed routes used by recreational motor vehicles in the 'old' National Park in 2005 was 403km. Following 2 May 2006 and commencement of Section 66-67 of the NERC Act, approximately 180km of unsealed route have proven, or possible rights for mechanically propelled vehicles across the National Park in 2022.

- Section 72 of the NERC Act gives national park authorities the powers to make traffic regulation orders on predominantly unsealed routes in addition to the powers held by the highways authorities.

[11] Part 6 of the Natural Environment and Rural Communities Act 2006 and Restricted Byways - A guide for local authorities, enforcement agencies, rights of way users and practitioners, Defra (2006)

3. Factors to be considered in evaluating the impact of recreational motor vehicle use on unsealed routes

37. 'Making the Best of Byways' (2005) considers the factors that need to be addressed when determining the management approach for a route. The following sections draw heavily on this document and place them in a local context. It is also in accordance with the 'Guidance for National Park Authorities making Traffic Regulation Orders under section 22BB Road Traffic Regulation Act 1984' - Guidance to accompany the National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007 (SI 2007 No. 2542).

38. In the Yorkshire Dales National Park the factors listed below will be considered in evaluating the impact of recreational motor vehicle use on unsealed routes, and hence influence the choice of management approach.

- Considerations relating to national park designation.
- The ecological sensitivity associated with the route.
- The heritage of the route and its surroundings.
- Conflict between recreational user groups.
- Concerns of local residents and landowners/managers.
- The durability of the route.
- The condition of the route.
- The frequency and type of use of the route.

3.1 Considerations relating to national park designation

39. The Yorkshire Dales is a unique place which has been designated a national park because of its many special qualities and the opportunities it provides for people to enjoy them. The National Parks and Access to the Countryside Act 1949 defined statutory criteria to consider when deciding whether an area is worthy for designation as a National Park which relate to:

    a. their natural beauty; and
    b. the opportunities they afford for open-air recreation, having regard both to their character and to their position in relation to centres of population.

'Making the Best of Byways' (2005)
recognises that national parks are different to other areas of countryside and states that "byways in national parks or areas of outstanding natural beauty may warrant particular attention for their ecological and landscape value."

40. In addition, the Government guidance, (Defra, 2007) for National Park Authorities making Traffic Regulation Orders, explains that the amenity of an area may be considered to be the benefits afforded to people as a consequence of what is seen and experienced, amenity is thus dependent to a considerable extent on the natural beauty of the area and the opportunities offered for recreation.

41. ***Natural beauty*** is defined in The Countryside Act 1968[12] as comprising flora, fauna and geological and physiographical features. It also includes archaeological, historical, cultural, architectural and vernacular features in accordance with guidance[13] and precedent. Natural beauty is evaluated using tests set out in national guidance. In designating an area as a National Park, natural beauty is the first test that must be met, and land which fails to meet this test is not considered further. Land which forms an extensive tract and meets the test for natural beauty is then tested for opportunities for open air recreation.

42. ***Recreation*** has no published tests similar to natural beauty. The Countryside Agency Policy review 'National Park Designation: A Review of How the Criteria are Applied'[14], does, however, stress the importance of an area being 'more than normal countryside' and 'offering a markedly superior recreational experience'. Approaches developed and tested in other national designation evaluation work are used to make this judgement. The quality of the recreational experience is clearly related to the special qualities of the landscape, peace and tranquillity, and the visual amenity of the area.

43. The 2002 Review of English National Parks (Pullen Review) [15] addressed the issue of recreational activities as follows:

> *"We recognise that many people's enjoyment of National Parks derives from the feeling of peace and tranquillity – getting away from the stresses of modern-day living. These benefits apply equally to visitor and resident alike. In those areas of Parks that are tranquil, it is right that there should be a presumption against activities that would undermine that tranquillity. But that does not mean that more intensive recreational use should be dismissed across the whole of National Park areas. Circular 12/96 states "..the Government does not accept that particular activities should be excluded from throughout the Parks as a matter of principle". We support that position."*

44. ***Special qualities*** are at the heart of national park purposes. They are the particular elements that define the character, importance and value of the area and make it worthy of National Park designation. As defined by the Environment Act 1995, they are what the statutory purposes of National Park Authorities seek to conserve and enhance, and of which they promote understanding and enjoyment.

45. Circular 12/96 which relates to the Environment Act 1995, gives some guidance as to what special qualities might be.

> *"10. The attraction of the special qualities of the National Parks has long been recognised and is demonstrated by the numbers of visitors who seek the enjoyment of these beautiful areas and the opportunities they afford for open air recreation. In setting out the criteria for*

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12 The Countryside Act 1968, section 21, (7).

13 The Countryside Agency and Scottish Natural Heritage (2002) 'Landscape Character Assessment. Guidance for England and Scotland,' CAX 84.

14 Countryside Agency Board Paper (2000) 'National Park Designation: A Review of How the Criteria are Applied' (00/03)

15 Defra (2002) 'A review of English National Parks' also known as the Pullen Review

designation National Parks, the 1949 Act recognised the opportunities the Parks provide in this respect."

46. The Circular on National Parks 2010[16], recognise that a key role of national park authorities is to document and express clearly what is special about their landscapes.

47. The Yorkshire Dales National Park Authority first defined its special qualities in 2007 as part of the review of the Yorkshire Dales Local Plan and National Park Management Plan. The Dower Report (1945) and the Hobhouse Report (1947) which give valuable descriptions of the areas that were being recommended at the time for designation were a useful starting point for this work. The special qualities of the area relate to natural beauty, wildlife and cultural heritage, and the elements of enjoyment from being in the National Park. Consultations with communities in the new area of the National Park have confirmed that the special qualities in this area reflect those in the rest of the National Park. The relevant special qualities are included in the sections on the different factors, that follow.

3.2 The ecological sensitivity of the route

48. Many of the routes used by recreational motor vehicles in the Yorkshire Dales cross, or pass close to, sites of national and European importance from a habitat and/or wildlife point of view. The National Park has extensive areas designated as Special Areas of Conservation, Special Protected Areas, Sites of Special Scientific Interest (26% by area) and National Nature Reserves. These designations are explained in Appendix 1.

49. Other areas that have no recognised designation may still be valuable from an ecological point of view either because of the plant species found there or the presence of ground nesting birds.

Ecological special qualities of the Yorkshire Dales

- The National Park's range of rare limestone habitats are linked directly to the geology of the southern and Westmorland Dales. The area's limestone country is of international biodiversity importance, including rare wet meadows and upland pastures, limestone pavement and limestone woodland and scrub.
- There are extensive areas of moorland, much managed as grouse moor, that contain important areas of upland heath and blanket and raised bog. These habitats cover vast areas and contain a variety of plant species.

[16] The English National Parks and Broads UK Government Vision and Circular 2010

3.3 The heritage of the route and its surroundings

50. Unsealed routes are a significant feature of the historic environment in their own right and may also form part of other features. Use by recreational motor vehicles can have a direct or indirect impact on historic environment features. Some of these, which are of national importance, may be given legal protection by the Secretary of State for Culture, Media and Sport through inclusion on the schedule of monuments maintained by Historic England. Other features are included on the Historic Environment Record (HER) which is maintained by the Yorkshire Dales National Park Authority.

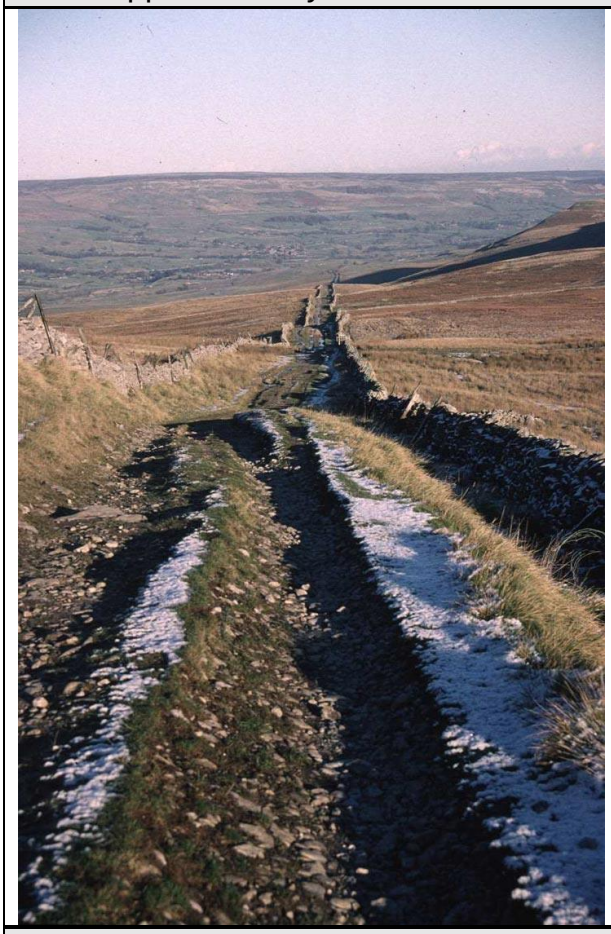
51. Scheduling is currently the only specific mechanism for legal protection for archaeological sites. The word 'monument' covers the whole range of archaeological sites. Scheduled monuments are not always ancient, or visible above ground. There are over 200 'classes' of monuments on the schedule, and they range from prehistoric standing stones and burial mounds, through the many types of medieval site - castles, monasteries, abandoned farmsteads and villages - to the more recent results of human activity, such as collieries and wartime pillboxes.

52. Additionally, many routes in the Dales are of historic significance such as the Roman road between Bainbridge and Ribblehead or Mastiles Lane between Kilnsey and Street Gate.

Heritage special qualities of the Yorkshire Dales

- What we see today reflects the impact of many different people and cultures, from Roman forts to the construction camps of the migrant workers who built the Settle-Carlisle Railway Line. Each has left lasting reminders of their toil and added extra dimensions to Dales culture. Strength of 'place', continuity and history still shape and influence Dales communities today.
- The range, importance and condition of its archaeology are exceptional, recording continuity of human activity from the Palaeolithic to its 19th century and 20th century industrial remains.
- The legacy of former rural industries adds to the character and interest of its landscape. Their influences on the area's culture and social fabric are still evident today. The National Park is scattered with the remains of former mineral extraction and processing sites, especially lead and lime industry remains most of which date from the 18th century and 19th century. The Dales' 18th century and 19th century water mills are imposing reminders of how the area's resources were harnessed. Many are ancient mill sites that served their community over the centuries.
- The area's rich history includes periods of dominance by large estates and religious houses. In the medieval period substantial areas of the Dales were hunting forest, or managed as parts of the huge estates controlled by monasteries such as Fountains and Jervaulx Abbeys. Place names and some surviving structures, such as Bolton Castle, Bolton Abbey, Barden Tower and Marrick Priory are powerful reminders of this period.

Roman Road (Cam High Road) (Entry taken from www.outofoblivion.org.uk)
Historical Environment Record No: MYD33159
Parish: various
OS grid reference: various
Dale: Upper Wensleydale



Description
A very direct and well-preserved Roman Road runs from Ingleton to the Roman Fort at Bainbridge. This particular section is now known as Cam High Road. After skirting around Wether Fell it follows a rigidly straight alignment before curving down the valley side to Bainbridge. Although now edged by stone walls, it is evident that the road was constructed on a slight agger (curve-topped platform) about 4.6 metres wide. No trace of the road survives on the other side of Ingleton but it probably ran on to join another Roman road near Lower Bentham. In the late 18th century the road was resurfaced and formed part of the Richmond to Lancaster turnpike.
Source:
Wright, Geoffrey N (1985) 'Roads and Trackways of the Yorkshire Dales.' Ashbourne: Moorland Publishing

Looking down the Cam High Road towards Bainbridge. Photo credit: Yorkshire Dales National Park Authority

3.4 Conflicts between recreational user groups

53. The use of unsealed routes by recreational motor vehicles can lead to comments and complaints being received by both the Yorkshire Dales National Park Authority and the county councils, although the number of complaints has reduced dramatically since active management of routes has taken place. These communications come from visitors to the area, residents, land managers, and parish councils. The Sightings and Complaints Register is compiled from reports from the Authority's Ranger Service as well as other sightings from members of the public, and from volunteers carrying out surveys. Sightings make no distinction with regard to whether a vehicle's presence is legal or illegal they merely record this information. A complaint is only recorded where a member of the public has made a specific complaint about motor vehicular use of the

rights of way network, and how their experience had been adversely affected by the presence of recreational vehicles. This is a stringent definition of a 'complaint'.

54. A questionnaire of users carried out as part of the evaluation of four experimental traffic regulation orders in 2003 found that the reasons identified by respondents for believing that recreational motor vehicle use was inappropriate in the National Park related to damage to routes or the impact that meeting motor vehicles had on respondents' enjoyment of a day out. Examples of how the enjoyment had been affected included the perceived impact on the peace and tranquillity of the surroundings, or occasionally related to feeling intimidated or unsafe.

55. Some of these conflicts arise from a belief that motor vehicle use on particular route is inappropriate or illegal. This view can be compounded by a lack of certainty over what rights actually exist on a route, both on the part of the aggrieved walker, cyclist, horse rider or resident and on the part of the motor vehicle user.

56. Conflicts between different user groups may also occur where improvements to the rights of way network are carried out. For instance, the provision of improved road crossings may increase the number of equestrian users, whilst surface improvements may increase use by people with disabilities. It is important to note that section 2.2.21 of the guidance document [17]on Rights of Way Improvement Plans (ROWIPs) stated,

> *"There is potential for conflict on ways carrying higher rights between different classes and types of users. Wherever possible proposals for improving rights of way should not unduly benefit one class of user at the expense of another. Improvements that are intended to benefit cyclists, harness-horse drivers, horse riders or walkers should not unduly restrict lawful motorised use of public vehicular rights of way".*

57. This means that each case needs to be judged on its individual merit.

The special qualities of the Yorkshire Dales relating to recreational experience:

- There are extensive areas where a true sense of tranquillity, remoteness and solitude can still be found, which is rare in England today.
- This tranquillity is enhanced by the natural sounds of wind, water and birdsong. These are important to the recreational experience, the 'spiritual exercise and enjoyment' that lies at the heart of National Park designation in this country.
- With its open fells and numerous valleys the Dales offers expansive views that show to advantage the area's beauty and variety.
- The area is important for the range and quality of natural and cultural resources it offers for outdoor recreation and its opportunities for accessing them. Its historic and extensive network of footpaths, bridleways and tracks, extensive areas of public access, rivers, crags and caves mean that it has some of the best walking, caving, climbing, paragliding and cross-country mountain biking to be found anywhere in the country.

[17] 'Rights of Way Improvement Plans: Statutory guidance to Local Highway Authorities in England.' Defra (2002)

3.5 Concerns raised by local residents and land managers and owners

58. Issues can also occur between recreational motor vehicle users and residents who live adjacent to the route and land managers and farmers who own and/or manage the land over which the route passes. For residents typically the concerns arise because of the feeling that the motor vehicle users are reducing the peace and tranquillity of the area, or are causing safety concerns in the villages or on the routes.

59. Additionally farmers and land owners complain of damage to the route surface and drainage which makes access difficult or damages their land, for example through the width of tracks increasing[18].

3.6 The durability of the route

60. The durability of a route surface is influenced by its surface type, the topography of the area, the route geometry and the effectiveness of drainage. The other major factor will be the level of use of the route throughout the year.

3.6.1 The geology and topography of the Yorkshire Dales

61. The Yorkshire Dales is an expansive area of hill country straddling the Pennines and rising to over 700m (2,300 feet) with large areas over 600m (1,950 feet). This means that the area has higher levels of rainfall than many surrounding areas especially those to the east, and that rainfall can be more intense and of longer duration.

62. The Carboniferous Limestone and the overlying Upper Carboniferous Millstone Grit dominate the geological exposure and give rise to the characteristic upland countryside of the Yorkshire Dales. There is a distinctive difference in the two habitats that these rock types support, with the limestone giving rise to thin calcareous soils and the shales and sandstones of the Millstone Grit giving rise to acidic soils and large areas of upland grassland and bog.

63. Much of North Yorkshire, Cumbria and Lancashire were covered by ice during the last glacial of the Quaternary, or Ice Ages, and as a consequence the solid geology is largely covered by layers of glacially derived sediments. These form a skin of superficial deposits, or drift, which in places is so thick as to eradicate all visual clues as to the nature of the underlying solid geology. This drift has been modelled and shaped by wind, water and frost processes which combine to create distinctive features and landscapes.

3.6.2 Route surface

64. In the Yorkshire Dales there are wide variations in route surfaces, and often a single route will have several different surface types along its length. This is because the long history of many routes will have meant that variations in use, maintenance and repair applied have led to different route surfaces, as well as the effect of local variations in geology. Frequently route surfaces which are close to valley bottoms will have been improved to allow access for agricultural and land management vehicles, whereas higher on the fell tops the route might run over a natural vegetation surface and include peat deposits or areas of blanket bog.

[18] Yorkshire Dales National Park Authority 'Sightings and Comments Register'

65. The major surface types found in the Dales are:

Stone Many routes in the Dales have a stone surface often of long standing. Correctly constructed this should be a durable surface which requires only limited maintenance. Photo: Cam High Road (BOAT) above Bainbridge, 2010.	
Recently surfaced tracks Damage to some routes has led to their recent surfacing, frequently using subsoil techniques. This leads to a more durable surface through areas of fragile surface types. Photo: Subsoil and surfaced path on The High Way (BOAT), 2016. Route has permanent TRO.	
Limestone grassland and natural rock In the limestone areas of the National Park routes often traverse limestone pasture with short sward grasses and thin soils. The limestone bedrock that is found in many parts of the Dales forms sections of some routes, although it is rarely extensive. This is a durable surface but can be difficult for many users when wet.	

Photo: Bank Head (BOAT section), 2017.	
Vegetation and peat deposits Routes across open moorland often have no history of surfacing and run through areas of soft vegetation or over thin or deep peat deposits. Peat is an organic-rich soil that can have very high moisture content, and is often found in ecologically sensitive areas. Photo: Barth Bridge to Garsdale (unsurfaced unclassified road), 2016. Route has permanent TRO.	

3.6.3 The route gradient and geometry

66. Certain parts of routes are more susceptible to damage than others. In particular steep slopes and turns can deteriorate more because of the stresses applied here by wheels to the surface through accelerating, braking or turning.

3.6.4 The effectiveness of drainage

67. Good drainage is essential to minimise the effects of water retention, erosion and scour. Drainage may occur naturally, for example in areas of limestone pasture, although ponding can occur because of a perched water table or where the water table breaks the surface. Drainage can be encouraged through the use of surface slopes, water bars, culverts and French drains. Signs that these drainage features are not working adequately would include:
    - scouring of materials from the route surface;
    - waterlogged sections;
    - the formation of gullies in the route surface.

68. Routes which follow the fall line of a slope are particularly vulnerable to damage through water erosion and this can be exacerbated by users of any type.

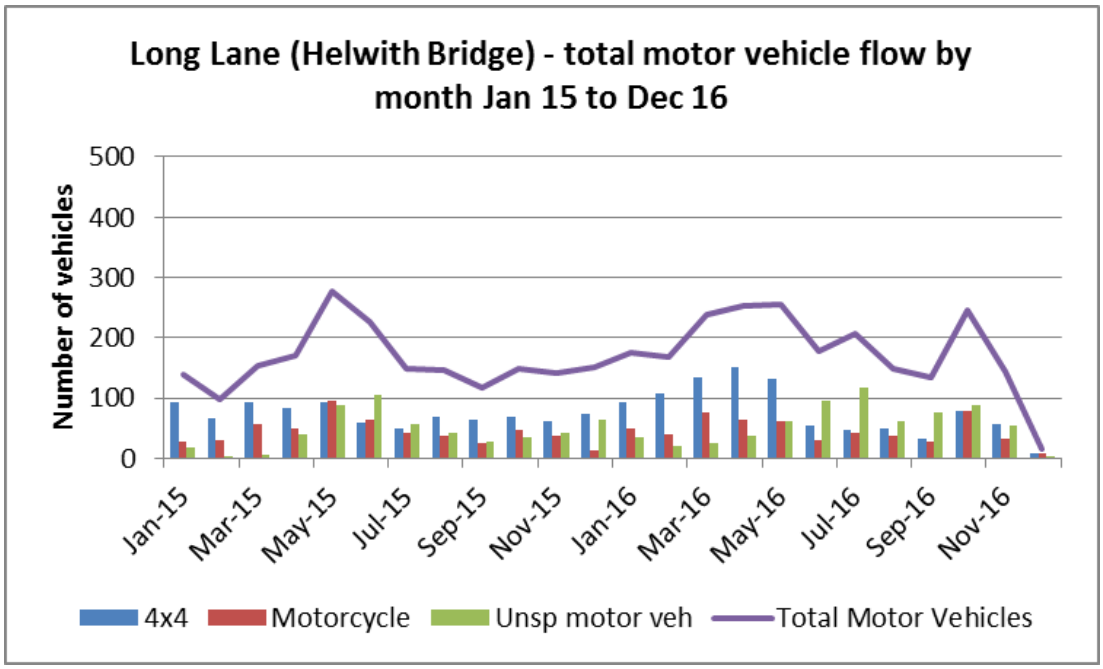
3.7 The condition of routes

69. The condition of a route is assessed through a number of different survey techniques. The primary method used by the Authority is a standard survey sheet (see Appendix 2) to collect information at fixed point intervals about:
    - evidence of use;
    - depth of any ruts;
    - width of area affected by ruts; and
    - the type of surface.

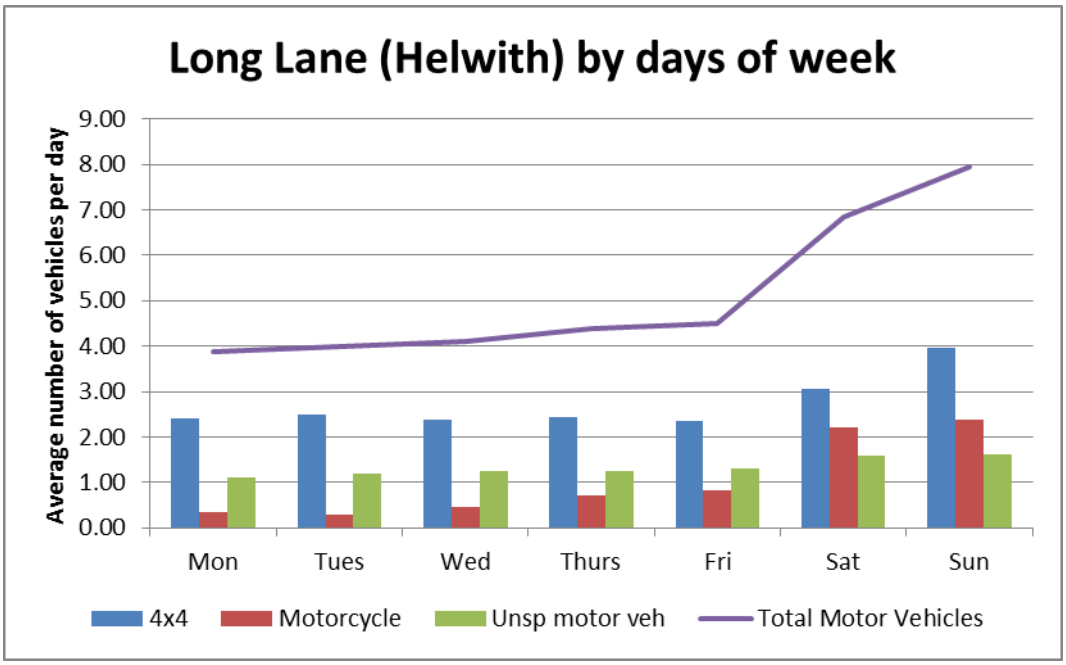
70. Additional points are added where there is a significant change in condition, and at every location a photograph is taken. By making these surveys as objective as possible it may be possible to identify routes whose condition is deteriorating over time.

3.8 The frequency and type of use of routes

71. All route surfaces will be more vulnerable to damage when wet, especially where the surface consists of natural vegetation and peat. The level of use of routes by different user groups will vary throughout the year. Levels of use through the winter months when the routes are most vulnerable can be significant. Many farmers engage in winter stock feeding and so can make a considerable number of journeys along routes in the winter months. The use of recreational motor vehicles on some routes in the Yorkshire Dales has also been found to be higher during the winter months. Vehicle loggers have been installed on a number of routes to give an objective assessment of the use of the route by recreational and agricultural vehicles. An example of the data is shown below. (This is for a route near Helwith Bridge known as Long Lane.)



72. During the monitoring period, shown above, the average number of motor vehicles is 170 per month, which consists of 75 4x4 type vehicles, 45 motorcycles, and 50 unspecified motor vehicles



73. An analysis of this data by day of the week reveals that the majority of motorcycle use is at the weekends and so likely to be predominantly recreational use, whilst the 4x4 use is spread more evenly throughout the week and hence is likely to be predominantly agricultural with some additional recreational 4x4 use at weekends.

74. On any one Sunday, over a period of 10 years, the Long Lane route was used by an average of 7.9 motor vehicles including 2 motorbikes.

3.9 The needs of people with disabilities

75. The Yorkshire Dales National Park Management Plan expresses the desire for the National Park to be inclusive by ensuring there is equality of opportunity to appreciate and enjoy the Park's special qualities. One of the groups that need to be considered is people with disabilities. This includes people with a long term health condition, wheelchair users, people with a learning difficulty or mental illness and visually impaired and blind people. In considering access to the countryside the National Park Authority also takes account of people with pushchairs and those that simply find it difficult to negotiate stiles or rough ground because of limited mobility.

76. The National Park Authority has conducted an audit of the rights of way network using guidance from the Countryside Agency (now Natural England) to assess the rights of way network against factors such as gradients, surface type and physical barriers. The aim of the audit was to identify the barriers that make it impossible or unreasonably difficult for disabled people to access individual rights of way in the Yorkshire Dales National Park and to suggest practical measures for removing or overcoming them

within the context of the spirit of the Equality Act 2010, plus any other relevant guidance, legislation or case law provisions. The Disability Discrimination Act (first published in 1995, updated 2005) introduced a duty for public bodies to remove barriers for people with limited mobility and make reasonable practical adjustments to their services. This includes the provision of rights of way and countryside access and the need to consider use by all members of society.

77. It is recognised that unsealed routes, which are the subject of this report, are an important part of the network of routes with public access that people with limited mobility could use. This is because, in general, they are gated and are wide routes, and often have a stone or relatively easily traversed surface. Many of these routes are ideal for people with limited mobility using 'tramper' type vehicles or mountain trikes. There are routes in the Park available for disabled users wishing to use green lanes using a 4x4. In this context they are no different to any 4x4 user.



4. Management options

78. 'Special Qualities, Special Experiences' (2019) identifies a number of strategies for managing the access resource in the National Park. Of relevance to the management of unsealed routes are:

> *Safeguard the National Park from overall or irreversible damage through inappropriate activity and minimise conflict between different users:*
> *a) Use existing legislation and guidance to limit inappropriate activity in the National Park, including supporting and encouraging the Police Authority in controlling illegal and anti-social use.*
> *b) Work with the county councils and users to explore, identify and implement appropriate management of green lanes on a regional basis.*
> *c) Work with landowners, farmers, users and user groups to try and resolve any actual or potential conflict through positive visitor management.*
>
> *Maintain the quality, diversity and scope of the National Park's recreational assets: Consider each activity in terms of where it should take place, in what volume and at what time. It must be recognised, though, that in many situations we have no legal means of control and so can only do so through education and encouraging users' voluntary restraint.*

79. The purpose of this section is to examine what actions could be necessary to achieve these broad strategies.

4.1 Signage

4.1.1 Routes with no mechanically propelled vehicular rights

80. The NERC Act resulted in there being no mechanically propelled vehicular rights on a significant number of routes which had significant use by recreational motor vehicles in the past. This was a dramatic change for the Yorkshire Dales National Park and recreational motor vehicle users therefore needed to be informed as to where mechanically propelled vehicular rights do not exist, where previously they may have believed such rights were a possibility. Clear signage was installed on relevant routes during 2006/7. Fifteen years on the vast majority of users are clear about where they can and can not go. Where a footpath, bridleway or restricted byway is found to be used illegally on a regular basis, signage will be maintained to make the situation clear and the National Park Authority will work with the police on enforcement action.

4.1.2 Byways open to all traffic (BOATs)

81. Routes with byways open to all traffic designation are clearly signed using the national standards (way marked with a red arrow) to show the extent of mechanically propelled vehicular rights. In addition, there are information panels to make it clear it is a shared use route, that users need to behave responsibly and to provide the Authority's contact details.

4.1.3 Routes which might have mechanically propelled vehicular rights

82. On popular unsurfaced unclassified roads the Authority will install fingerposts where they leave the metalled road showing the destination and distance only. This is in recognition of their importance as part of the rights of way network.

4.2 Code of conduct

83. The Authority has published a leaflet to inform users about the legislation and their responsibilities". This leaflet was produced and aims to educate recreational motor vehicle users about the changes brought in by the NERC Act, give details of different types of right of way and the rights they carry, provide a code of conduct, and explain the signage used on different routes. This is an approach recommended in 'Making the Best of Byways' (2005).

84. The Authority has worked with user groups to produce this leaflet and it is widely publicised through the Authority's website. We will continue to revise and reprint this leaflet, as appropriate.

4.3 Evidence-based solutions

85. The selection of a particular management approach to deal with an identified issue with recreational motor vehicle use of an unsealed route needs to be based on sound evidence and evaluation. The evidence collected needs to relate to the factors discussed in Section 3 and will provide a comprehensive portfolio of information about a particular route. In particular, this will include:

- the location of the route;
- a general description of its topography;
- any ecologically sensitive sites along, or close to it;
- any archaeological sites on the route or close to it;
- details of comments and complaints received;
- levels of use of the route by motor vehicles and other users;
- condition surveys of the route;
- an assessment of the risk of deterioration from the use of recreational motor vehicles;
- the importance of the route as part of the rights of way network; and
- the effect of current use on the special qualities of the National Park particularly the landscape and peace and tranquillity.

86. The collection of good quality and objective data underpins the Authority's decision making process regarding the management of a particular route. By making such a process as clear as possible and involving users where restraint or regulation are proposed, it is believed that such measures will be more effective and receive greater support.

87. Collecting information can be a time consuming process. A desktop 'sensitivity assessment', based on the vulnerability mapping work conducted in the North

Pennines Area of Outstanding Natural Beauty (AONB), was used to help prioritise the order of routes for which detailed information should be collected by the Authority. The North Pennines methodology assesses the vulnerability of each route in terms of nature conservation, heritage and landscape features found along the individual routes and their immediate setting, as well as the durability of the route itself. (Further details of the vulnerability mapping process used in the North Pennines are in Appendix 3). This has been adapted by the Yorkshire Dales National Park Authority to produce the sensitivity assessment methodology. The sensitivity assessment assesses the effect recreational motor vehicular use of the route has on the enjoyment of the special qualities, including tranquillity, of the National Park.

88. Following this preliminary assessment, the routes identified by the Authority as being the most sensitive have undergone a more detailed investigation. The outcome of this further, field-based investigation has been used to determine the most appropriate management option for the route.

89. The byways open to all traffic and unsurfaced unclassified roads in the new National Park area have also been through the same desk top sensitivity assessment. This complements the work undertaken by Cumbria County Council through its Hierarchy of Trail Routes approach –section 4.7 outlines the findings of these approaches.

4.4 Regulation and restraint

4.4.1 Voluntary restraint

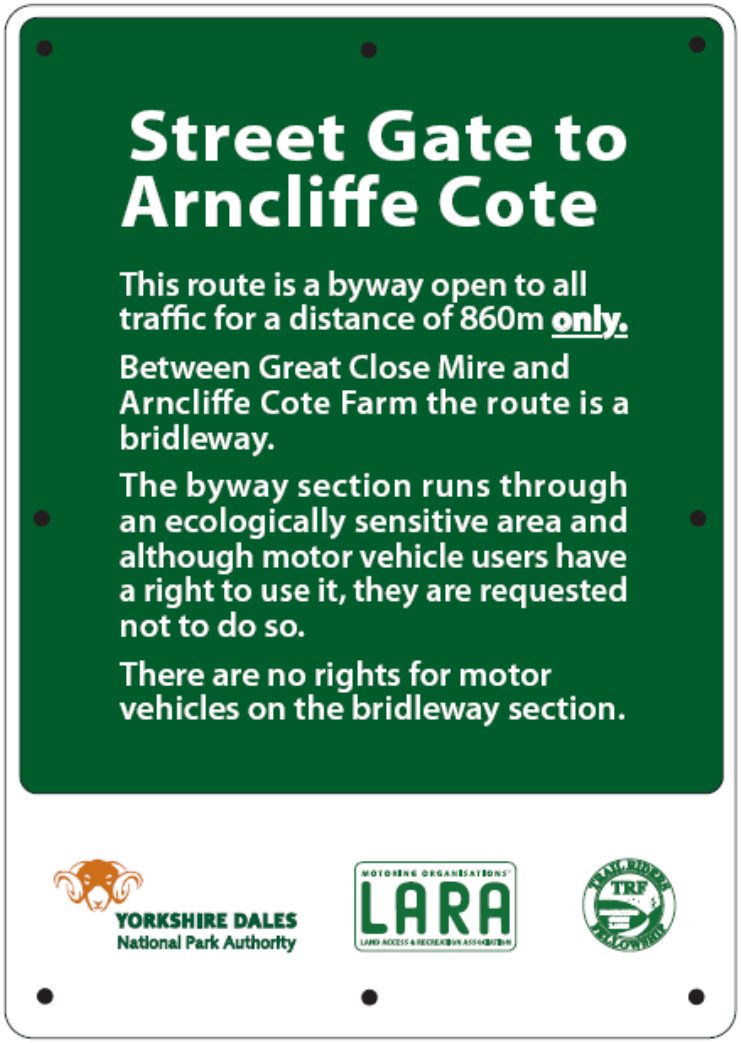
90. In 'Making the Best of Byways' (2005) (section 3.1) it is stated that:

> *"Discussions with authorities when drafting this guide indicate that voluntary restraint is widely seen as ineffective in managing mechanically propelled vehicle use of byways"*.

91. The document goes on to conclude that,

> *"voluntary restraint can be a useful tool for management of byways where reductions in mechanically propelled vehicle traffic is desirable, but not where the prohibition of mechanically propelled vehicles is agreed to be necessary.".*

92. Through agreement and co-operation with the motor vehicle user groups voluntary restraint has been used in a number of places in the National Park with mixed success. The National Park Authority will continue to work with user groups and support voluntary restraint where appropriate.

Case study. Arncliffe Cote	
The route between Street Gate, close to Malham Tarn, and Arncliffe Cote farm in Littondale is a very popular route with walkers and mountain bikers. It has also seen use in the past by motorcyclists. The section of route close to Street Gate is a byway open to all traffic and so it is legal for motor vehicles to use it. It is also runs through an important area for habitat and wildlife which is nationally and internationally recognised. As the route is a dead end for recreational motor vehicles it was felt that voluntary restraint in use was the correct approach, and this was put in place using signage. This arrangement has been well respected by motor vehicle users.	

4.4.2 Traffic regulation orders

93. As the Government guidance to national park authorities (Defra 2007) recognises:

'when considering how to deal with an identified problem, a TRO may be only one of several options available…more information on possible solutions and strategies is contained in the Defra publications "Making the Best of Byways" and "Regulating the use of motor vehicles on public rights of way and off-road" and guidance specific to National Park authorities.'

94. The following section is taken directly from 'Making the Best of Byways' 2005 (section 3.2).

"The Road Traffic Regulation Act 1984 enables authorities to restrict, prohibit or regulate the use of highways (including rights of way) through the making of traffic regulation orders. Traffic regulation orders can be permanent, temporary or experimental. They can apply all year round or at specific times of the year. Although

traffic regulation orders can be applied to all classes of way and most classes of user, they cannot be used to prevent access to premises by pedestrians. A traffic regulation order does not alter the status of the highway to which it is applied.

Traffic regulation orders are most commonly applied to manage traffic on sealed roads, for example, making parking restrictions, arranging one way streets or enabling maintenance works. Traffic regulation orders are enforceable only if they are signed in accordance with the Traffic Sign Regulations (Statutory Instrument 2002 No. 3113), even in rural or other settings where the use of such signs could be considered inappropriate.

95. Permanent traffic regulation orders need to be supported by evidence that the order will achieve one (or more) of the following outcomes.

- *Avoid danger to persons or other traffic using the road.*
- *Prevent damage to the road or any building on or near the road.*
- *Facilitate the passage of any kind of traffic (including pedestrians).*
- *Prevent unsuitable use by vehicular traffic.*
- *Preserve the character of the road in the case where it is particularly suitable for use on horseback or on foot, or preserve or improve the amenities of the area through which a road runs.*
- *Conserve or enhance the natural beauty of an area. This includes conserving flora and fauna, and geological or physiographical features.*

To make a permanent traffic regulation order, the authority must follow the statutory procedure set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (Statutory Instrument 1996 No. 2489)".

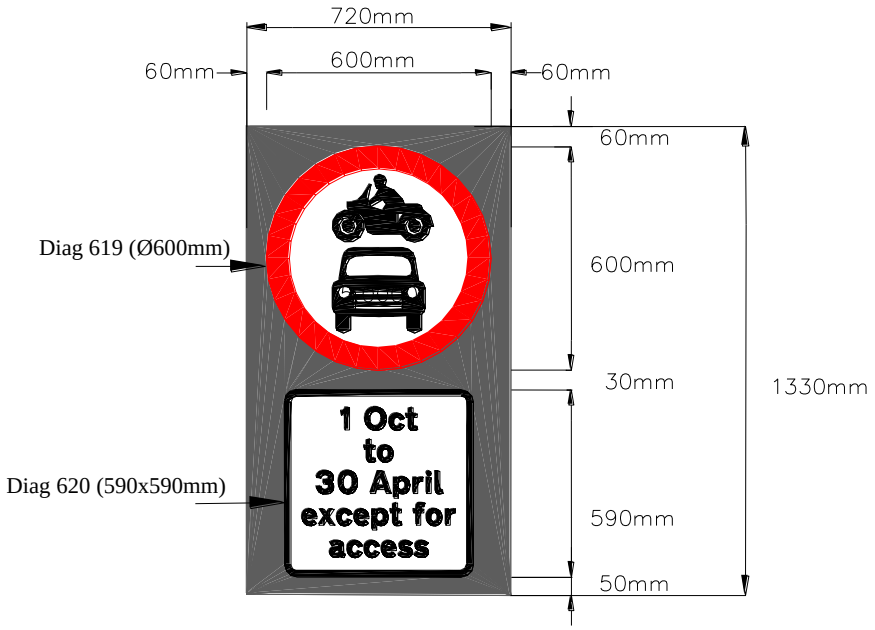
96. The relevant Regulations for national park authorities making TROs in national parks is The National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007. Further details on the procedure for making a traffic regulation order under these Regulations are contained in **Appendix 4**.

97. Traffic regulation orders are a tool that can take many forms, for instance they can impose a width or weight restriction, be seasonal or involve the use of permits. They can exclude different classes of vehicles but would always allow access for land owners and managers as well as emergency vehicles.

Cast study. The Ridgeway – a seasonal restriction

The Ridgeway is a National Trail passing through a number of county council areas and areas of outstanding national beauty. Together with the Countryside Agency, the county councils formed The Ridgeway Management Group to address the issue of the use of the Ridgeway by motor vehicles.

Seasonal traffic regulation orders were placed by three county councils as part of a wider programme of action towards meeting this purpose. The Action Plan, drawn up by the Countryside Agency in collaboration with the relevant highway authorities included a range of measures to improve the surface condition of the Trail. There are a mix of traffic regulation orders on the Ridgeway including a number which exclude motor vehicles from 1 October to 30 April each year.



Case study. Gatescarth Pass – a permit based system

Gatescarth Pass in the Lake District National Park is subject to a traffic regulation order, following a public inquiry, due to the fragile nature of the route. The TRO enables a limited number of recreational motor vehicles to travel over the Pass on one day per month, with users having to apply for a permit online, which is then verified by the Lake District National Park (LDNPA). No permits are issued to 4x4 users between December and March to protect the route.

Permit holders are given the combination to open locked gates at the ends of the route. Each permit day is stewarded by recreational motor vehicle user group representatives with LDNPA volunteers walking the route after each permit day, altering the lock codes and assessing condition of the route. The route also undergoes regular annual maintenance to ensure the surface is maintained.

Case study. Mastiles Lane – complete exclusion

Mastiles Lane runs from Street Gate, close to Malham Tarn, through to Kilnsey. The majority of the route is a Site of Special Scientific Interest and Special Area of Conservation. It is also an important Medieval monastic route that is of archaeological and historic importance and crosses a scheduled Roman marching camp.

The surface is a mix of stone and grass. Prior to 2003 the grass sections were severely eroded by motor vehicles. Mastiles Lane was initially closed to recreational motor vehicles by North Yorkshire County Council as part of an experimental traffic regulation order project. Since then the Yorkshire Dales National Park Authority has made a permanent TRO stopping its use by recreational motor vehicles.

Use of the route by recreational motor vehicles has dropped by over 90% since the order was made.



Mastiles Lane in 2016

98. The Yorkshire Dales National Park Authority may seek to impose targeted traffic regulation orders after appropriate consultation and in accordance with Government Guidance, Regulations, and Statute. Where a particular route crosses the National Park boundary the neighbouring Highway Authority and Nidderdale AONB Joint Advisory Committee will be consulted directly, if appropriate. For a traffic regulation order to apply along the full length of a cross-boundary route it will need to be made by the relevant county council.

Experimental traffic regulation orders

99. 'Making the Best of Byways' (2005) (section 3.2) explains the use of experimental traffic regulation orders as follows:

"Experimental traffic regulation orders are used in situations that call for monitoring and reviewing, such as monitoring byway condition to evaluate the cause of deterioration. These orders last no more than eighteen months before they are abandoned, amended or made permanent."

100. Experimental traffic regulation orders were used in the Yorkshire Dales to assess the effectiveness of traffic regulation orders as a management tool on unsealed routes in 2003/4 in a partnership with North Yorkshire County Council.

101. Further experimental traffic regulation orders in the Yorkshire Dales National Park will only be considered where there is a genuine need for monitoring and review of a

situation to inform the management of a particular route. They remain a tool that the Authority could decide is appropriate for a given circumstance. Again their use will be considered through discussions with users.

Temporary traffic regulation orders

102. 'Making the Best of Byways' (2005) (section 3.2) explains temporary traffic regulation orders as follows:

"Temporary traffic regulation orders are used if the authority is satisfied of the need because:

- *works are being executed (or are being proposed) on or near the way;*
- *there is a likelihood of danger to the public or serious damage to the way;*
- *it is necessary to clear the way of litter or debris."*

103. The usual procedure for the Authority to make a temporary traffic regulation order, is given in the Road Traffic (Temporary Restrictions) Procedure Regulations 1992 (Statutory Instrument 1992 No. 1215), under the delegation agreements with the county councils. In addition, national park authorities now have powers to make temporary TROs under the National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007 (Statutory Instrument 2007 No. 2547).

104. Such an order may only last for a limited period, unless the Secretary of State agrees to an extension.

4.5 Repair and maintenance

105. 'The Public Rights of Way Maintenance Plan 2019-2024' for the Yorkshire Dales National Park has a number of guiding principles:

Repair of route surfaces - guiding principles

When there is no other option but to repair the surface of a right of way, it is essential that the right solution is found for each situation. All works should take into consideration: user requirements, accessibility considerations, legal status of route, route environment (maintain the character of the route in relation to its environment and surroundings), appropriate design and sensitive landscaping, use of materials, and ecological or archaeological constraints.

Repair of upland route erosion - guiding principles

Where repair and maintenance of a route is necessary, for environmental or recreational reasons, it should be subject to the following considerations:

- *Works should be of a high standard of design, have minimal impact on setting and character, and be implemented, where possible, using local materials, sympathetic in colour and texture to the immediate surrounding area, and employing traditional techniques. Uniformity of construction should be avoided, e.g. regular or geometric steps;*
- *Techniques used should protect existing vegetation and, normally, only locally occurring plant species should be used in restoration. Non-local species will be acceptable only where necessary as a nurse crop;*
- *The more remote the route the more stringently these criteria for repair should be applied. This will be a matter of judgement but in general, the more remote or wild the location the less acceptable an obviously engineered route will be.*
- *Repaired routes should be suitable to the route's use and constructed on a scale appropriate to the route's status as a footpath, bridleway or byway open to all traffic.*

106. Some routes in the Yorkshire Dales would need substantial engineering solutions to be able to sustain use by recreational motor vehicles, particularly routes with long sections over peat and/or soft vegetation. Such works may damage the character of the route and be visually intrusive in that area, thus affecting the recreational experience and special qualities of the location. In 'Making the Best of Byways' (2005) it gives an example of:

> *"it may be appropriate to do nothing to a byway which is in an ecologically sensitive environment, even though the byway is in a poor condition."*

107. It follows that in such cases it would, therefore, be necessary to consider other management techniques such as voluntary restraint or traffic regulation orders.

4.6 Monitoring and review

108. There is monitoring of the effectiveness of management measures such as voluntary restraint agreements and traffic regulation orders, and periodic reviews of such measures to determine whether they are effective and/or are having undesirable effects or are no longer justified. An annual report is produced which provides information on the management of 'green lanes' in the National Park.

109. The annual report also reports the results of a joint operation between North Yorkshire Police and the National Park Ranger Service, which has been running for the last seven years over the winter months. The aim of the operation is to target illegal off tarmac recreational motor vehicle use within the National Park. There is also an on-going review of the number of sightings and complaints received regarding recreational motor vehicle use of unsealed routes.

4.7 The current situation in the National Park

110. The situation in 2022 is that all byways open to all traffic and unsurfaced unclassified roads (a total of 138 routes) in the National Park have been through the Sensitivity Assessment methodology. This is kept under review.

111. There are 27 routes identified currently as being highly sensitive to motor vehicular usage. These routes have all been the subject of a detailed route assessment and now have an active management plan in place. These management plans have measures from continuing to monitor the route, through to voluntary restraint, repair and the use of traffic regulation orders to restrict use by recreational motor vehicle use.

112. There are eight permanent traffic regulation orders placed by the Authority and two placed by North Yorkshire County Council (NYCC) on sensitive byways open to all traffic and unsurfaced roads in the National Park. Other management measures have been used on the remaining sensitive routes. Compliance with the traffic regulation orders by recreational motor vehicles is good, and vehicle logger data shows an overall reduction in recreational use of more than 90% on all routes compared to pre-TRO levels. The eight traffic regulation orders placed by the Authority were reviewed in June 2013 and members resolved that they should remain in place.

113. The byways open to all traffic and unsurfaced roads in the new National Park area had been assessed through Cumbria County Council's Hierarchy of Trail Routes project. This identified four routes, within this area, as being either in red or amber categories. This is:

Red: Route has a lot of use, proceed with great care and follow advice or signs explaining special controls in place. These routes are under the greatest pressure and there may be environmental issues plus the potential for misunderstanding or conflict with other users.

Amber: Route has moderate use; proceed with special care - there may be a lot of other users or land management issues. It may not be passable in all weathers.

114. Importantly, the desktop Sensitivity Assessment carried out by the National Park Authority also identified the same four routes as being of high or moderate sensitivity to recreational motor vehicle use. This assessment also found two other routes with potentially high sensitivity. As this was a desktop assessment, baseline information was compiled for the high sensitivity routes including a condition survey and the use of vehicle loggers to establish the level of use by motor vehicles – both agricultural and recreational.

5. The decision making process for management options

115. The first factor to be considered when making decisions about management options for unsealed routes is the status of the route following the introduction of the Natural Environment and Rural Communities (NERC) Act. For routes which have no possibility of public mechanically propelled vehicular rights the decision making process is simpler and involves measures around:

- signage;
- monitoring;
- other management options if use continues including physical barriers; and
- enforcement.

116. For routes which have proven mechanically propelled vehicular rights, or where such rights are a possibility, management options will revolve around a detailed assessment of the route. If it is considered potentially sensitive, then a detailed route assessment will be carried out.

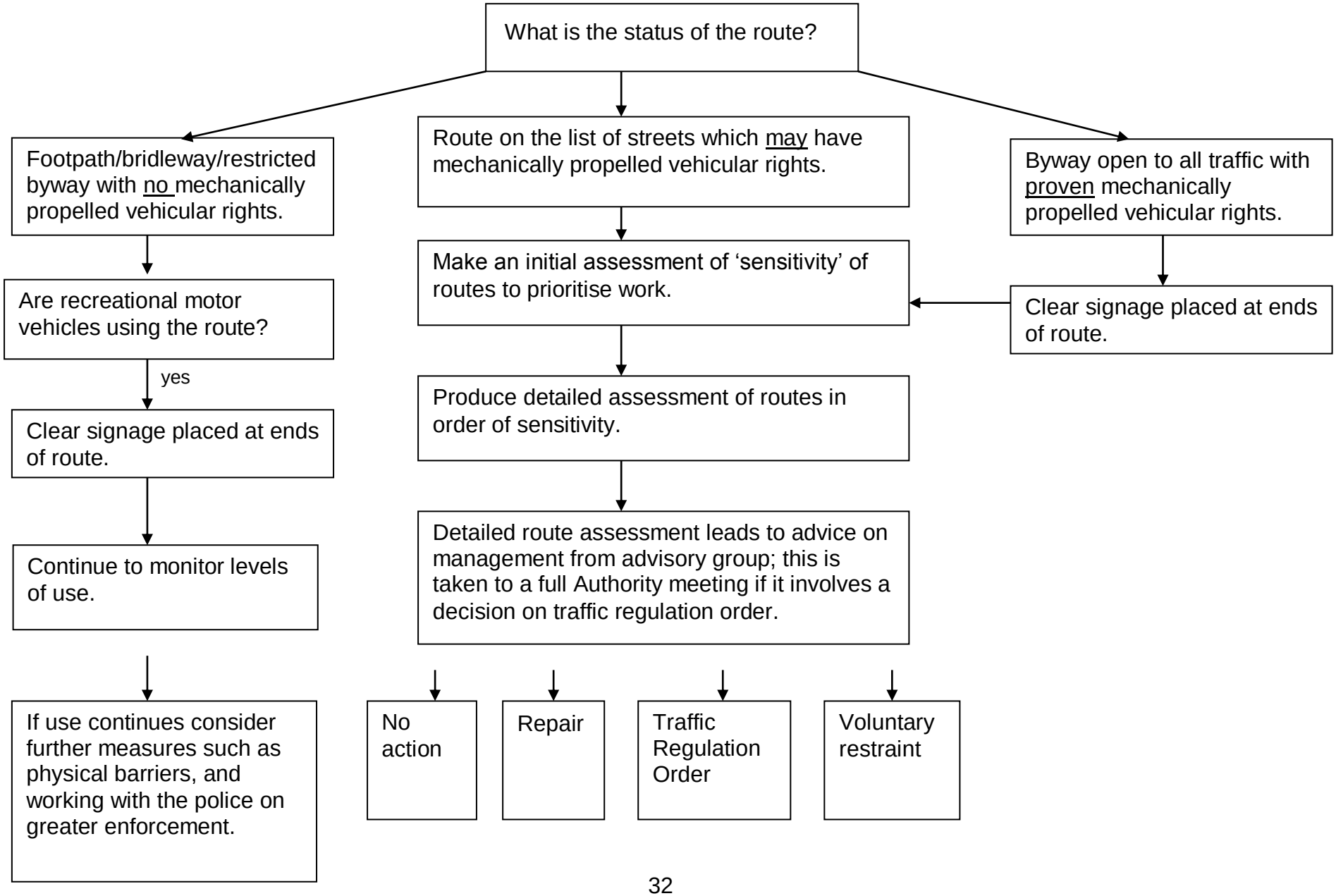
117. This detailed assessment goes to an advisory group on unsealed routes to give advice on management measures. The Yorkshire Dales Access Forum have helped set up this advisory group, which consists of four representatives from the Forum, and four members of other groups to ensure a balance of interests and experience including recreational motor vehicle users. The advisory group also includes representatives from two county councils, and Natural England. Where a route crosses the boundary of the National Park the full involvement of the relevant county council is essential. The Recreation Management member champion for the National Park Authority chairs the group. The advice of the group, including where this suggests use of a Traffic Regulation Order, will go forward to be considered initially by officers. A decision on whether to consult with statutory consultees where minded to make a traffic regulation order rests with the Director of Park Services. Decisions on whether to go to the next stage of a full public consultation and the making of a traffic regulation order is made by members of the Yorkshire Dales National Park Authority.

118. Officers regularly collate and gather evidence on routes and this framework provides the management framework for any advice. The key tasks that the Green Lanes Advisory Group are asked to undertake are:

1. To consider individual route assessments as they are prepared and to provide advice on the management measures that should be applied.
2. Advise the Authority on production of a ‘code of conduct’ for motor vehicular users, to cover such issues as rights and responsibilities.

119. A flow chart of the proposed management decision making process is given below.

Management of unsealed routes



6. GLOSSARY

Byway open to all traffic is a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purposes for which footpaths and bridleways are used.

Bridleway is a highway for pedestrians, horse riders and bicyclists (who must give way to people on foot or on horseback).

Footpath is a highway over which the right of way is on foot only.

Restricted byway is a highway for pedestrians, on horseback or leading a horse, and for vehicles other than mechanically propelled vehicles.

List of Streets is a list that a highway authority must legally keep, showing all the highways in its area, which are maintainable at a public expense.

Definitive Map is a legal document showing the location and status of footpaths, bridleways, restricted byways and byways open to all traffic. This is available for inspection and copying at an authority's office.

Definitive Statement, where one exists, is the statement which accompanies the map and may detail the width of the right of way, gates, stiles, along with a description including any limitations of use.

Off road is the term used to indicate driving or riding away from any highway.

Mechanically propelled vehicle is not a term defined by legislation but will include, for example, mini-motos, 4x4s, motorcycles and quads.

Recreational motor vehicle is any mechanically propelled vehicle intended or adapted for use on roads – whether sealed or unsealed.

Unsealed and unsurfaced roads are those without a tarmac or concrete surface. They may have a stone or aggregate surface, or be across vegetation with no sign of any additional materials.

7. REFERENCES

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Defra (2004) 'Use of mechanically propelled vehicles on rights of way – consultation document.'

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APPENDIX 1

Definitions of designated sites of ecological importance

Special Areas of Conservation and Specially Protected Areas

Large areas in the Yorkshire Dales have been identified as important conservation areas in a European context. There are two European designations that apply in the Yorkshire Dales which are Specially Protected Areas (SPA) and Special Areas of Conservation (SAC). The two areas often overlap as SPAs are designated for bird conservation and the SACs for habitat conservation.

Compared with other designations SACs tend to be large, often covering a number of separate but related sites. Almost all UK SACs are based on Sites of Special Scientific Interest (SSSI). In planning law, they are effectively afforded the highest possible protection. The EC Directive on the Conservation of Wild Birds is designed to protect wild birds, and includes selection of areas most suitable for them to be designated Special Protection Areas (SPAs). All SPAs are also SSSIs.

National Nature Reserves

National Nature Reserves (NNRs) are places where wildlife comes first. They were established to protect the most important areas of wildlife habitat and geological formations in Britain, and as places for scientific research. This does not mean they are 'no-go areas' for people. It means that we must be careful not to damage the wildlife of these fragile places. It means that every NNR is 'nationally important' and that they are all among the best examples of a particular habitat. It also means that NNRs are carefully managed on behalf of the nation. They are either owned or controlled by English Nature or held by approved bodies such as Wildlife Trusts.

Sites of Special Scientific Interest

There are over 4,000 Sites of Special Scientific Interest (SSSIs) in England, covering around 7% of the country's land area. Over half of these sites, by area, are internationally important for their wildlife, and designated as Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites. Many SSSIs are also National Nature Reserves (NNRs) or Local Nature Reserves (LNRs).

SSSIs are the country's very best wildlife and geological sites. They include some of our most spectacular and beautiful habitats including heather-clad heathlands, flower-rich meadows, and remote uplands moorland and peat bog.

Notification as a SSSI gives legal protection to the best sites for wildlife and geology in England. Natural England now has responsibility for identifying and protecting the SSSIs in England under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).

APPENDIX 2

Condition survey recording form

Unsealed route condition survey

Route name:	Start point: Grid ref:	End point: Grid ref:	Surveyor's name:

Parishes:	Survey Date:

Photo no.	Location: metres from start	Width of gateway	Surface type	Evidence of use	Width of rut damage	Depth of extreme rut	Comments

Unsealed route survey crib sheet

Surface type

NR	Natural rock (e.g. limestone)
MR	Mixed natural rock (e.g. limestone and gritstone)
V	Vegetation/soil
PV	Peat vegetation/peat
MM(P)	Man-made surface (pieces/broken stone)
MM(S)	Man-made surface (solid) (e.g. tarmac)
MM(Sl)	Man-made surface (slabs)
O	Other - please specify in comments box

Water status

D	Surface mainly dry
W	Surface mainly wet
ESW	Extensive standing water

Surface disturbance

Record type of damage:

NM(T)	Non-motorised trampling (caused by feet (add 'F') or horses (add 'H') or both ('F/H'))
NM(W)	Non-motorised 'wheeling' (cause by mountain bikes)
NM(M)	Non-motorised trampling and 'wheeling'
M(B)	Motorised (motorcycles)
M(Q)	Motorised (quad bikes)
M(4W)	Motorised (other 4-wheeled vehicles)
M(M)	Mixture of motorised vehicles
All	Disturbance caused by all categories of user
S	Stock damage
W	Water damage

Or any combination of above, e.g. NM(T)F + M(B)

Ruts and gullies

Record:

1. Approximate number of ruts across the surface at the photo-point (if non, record 'none')
2. Depth and width of deepest rut or gully (noting whether it is a rut (U-shaped) or a gully (V-shaped, caused by water flow)) in centimetres
3. Width of continuous (i.e. contiguous) ruts (i.e. width of the area of concentrated damage, not including 'outlying' ruts) in meters

N.B. Use comment boxes to clarify records or add information.

APPENDIX 3

Vulnerability mapping process

Vulnerability Mapping

Vulnerability mapping is a methodology that has been developed for the Countryside Agency by JMP Consulting, Lydia Speakman Associates and TFL. The information below is taken from the report 'Vulnerability mapping – creating a sustainable byways network.' JMP Consulting (2006).

Introduction
The Countryside Agency and its partners English Nature, the Rural Development Service and the North Pennines AONB Partnership were keen to look at how an objective assessment could be developed to identify potential problems with the use of byways open to all traffic by motor vehicles, which would enable them to work in closer partnership with the highway authorities and others towards achievable solutions.

Vulnerability mapping is based on providing an objective assessment of the sensitivity to a particular feature to a particular activity or group of activities. In this instance, this approach is being applied to the impact of motorised vehicles on byways on the natural, historic environment and on the routes themselves. Whilst this report deals with its application to byways, this methodology could also be used as a management tool for footpaths and bridleways, as well as unsealed unclassified roads on the List of Streets where appropriate.

This methodology is designed to be robust and transparent for use both with professionals concerned with landscape and nature conservation protection, and those involved with management of the highways and rights of way network. It seeks to provide an objective assessment, which is built on an evidence base that can be clearly communicated to stakeholders and interest groups. Importantly, it enables the relative sensitivity of different routes to be compared, so that wider network considerations can be taken into account.

A key feature of the methodology is that it is built on data which is relatively easy to access, much of which already exists within the public domain and is compatible with geographic information system (GIS) formats. Vulnerability mapping, however, can only provide a strategic overview of a network to help inform management decisions and prioritise resources; more detailed analysis will still be required on a route by route basis once an individual byway has been identified as requiring management intervention.

Overview of the methodology and outputs
To assist the scoring of nature and heritage and landscape an initial map is drawn showing connectivity of the byway to the remainder of the road and rights of way networks.

Vulnerability mapping for byways is then built upon the creation of three independent maps each of which classify individual byways according to a set of related sensitivity criteria. These three maps are as follows:

- Nature conservation (ecology)
- Heritage and landscape features
- Durability of the route

The result of the combination of these three maps will result in an overall vulnerability map being produced – this shows a network in which individual byways or sections of byways

(where they link to junctions with the road network) are classed in accordance with their overall vulnerability to motorised usage.

Three categories of sensitivity are identified:

High vulnerability (coded red) – highly sensitive requiring immediate action

Unknown vulnerability (coded amber) – potential for damage which requires more detailed assessment and/or monitoring.

Low vulnerability (coded green) – relatively robust and able to withstand current usage by users.

The connectivity map (classifying sections of the network according to potential demand by both motorised users and non-motorised users) is used not only to help the scoring of individual themes but also designed to help inform the management response in regard to the sensitivity of individual routes. A route identified as highly sensitive, but with low potential demand by motorised users because of poor connectivity to the local road network, will trigger a very different management response to a highly sensitive route with high existing and potential demand by motorised users. This map is therefore designed to help prioritise resources and inform management decisions.

Where there are unknown or missing data, as is often the case with the vulnerability of heritage features, or the route surface for durability assessments, these routes have been scored ‘unknown’ for this theme.

The maps are underpinned by an evidence base for each route.

A Sensitivity Assessment for the Yorkshire Dales

To see how this vulnerability mapping methodology has been developed further into a 'sensitivity assessment' in the Yorkshire Dales National Park see the green lane management section on the Authority's website at https://www.yorkshiredales.org.uk/things-to-do/get-outdoors/where-can-i-go/green-lanes/green-lanes-management/

Relevant documents are

https://www.yorkshiredales.org.uk/wp-content/uploads/sites/13/2019/08/sensitivity-assessment-methodology-nov2006.pdf

and

https://www.yorkshiredales.org.uk/wp-content/uploads/sites/13/2019/08/sensitivity_assessment_-_nov_2006-2.pdf

APPENDIX 4

Procedure for making a traffic regulation order

Checklist for making a traffic regulation order (TRO)

This checklist is based on the National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007 which came into effect on 1 October 2007.

Statutory reference	Issue / criteria	Tick if relevant	Supporting evidence	Comments
PART A: GROUNDS FOR AN ORDER				
RTRA 1984 S22BB(1)	Does the proposed order relate to a road in the National Park which is a BOAT, restricted byway, bridleway, footpath or unsurfaced carriageway and not subject to an existing TRO?	✓		No order may be made if this condition is not met.
	At least one of the following grounds must apply:		**Summarise very briefly, and indicate where the detail may be found**	**For example, to particularise which part of the ground applies in this case**
RTRA 1984 S1(1) (a)	It is expedient to make the order for avoiding danger to persons or other traffic using the road or any other road, or for preventing the likelihood of any such danger arising.			
S1(1)(b)	It is expedient to make the order for preventing damage to the road or to any building on or near the road.			
S1(1)(c)	It is expedient to make the order for facilitating the passage on the road or any other road of any class of traffic (including pedestrians).			

Statutory reference	Issue / criteria	Tick if relevant	Supporting evidence	Comments
PART A: GROUNDS FOR AN ORDER - Continued				
S1(1)(d)	It is expedient to make the order for preventing the use of the road by vehicular traffic of a kind which, or in a manner which, is unsuitable having regard to the existing character of the road or adjoining property.			
S1(1)(e)	It is expedient to make the order for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot.			
S1(1)(f)	It is expedient to make the order for preserving the amenities of the area through which the road runs.			
S1(1)(g)	It is expedient to make the order for purposes to do with the assessment or management of air quality.			
S22(2)	It is expedient to make the order for the purpose of conserving or enhancing the natural beauty of the area.			
S22(2)	It is expedient to make the order for the purpose of affording better opportunities for the public to enjoy the amenities of the area.			
S22(2)	It is expedient to make the order for the purpose of recreation or the study of nature in the area.			
	[Include Section 14 grounds, if deemed to be applicable]			

PART B: RELEVANT CONSIDERATIONS BEFORE MAKING AN ORDER				
S122(1)	Duty to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway	✓ (always relevant to consider)		
S122(2)(a)	Securing and maintaining reasonable access to premises (if access to premises would be affected, cf Schedule 9 para 13)			
S122(2)(b)	The effect on the amenities of any locality affected and the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the road runs			
S122(2)(bb)	The national air quality strategy			
S122(2)(c)	The importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use them			
S122(2)(d)	Any other relevant matters (use comments column to state what they are)			

PART C: PROCEDURE FOR MAKING AN ORDER				
	Step to be taken		**Date / Details**	**Comments/ Response**
RTRA S22BB(4) NPATO Regs 2007 Reg 4	Consultation on possibility of making an order: • Local Highway Authority • Chief Officer of the Police • Parish or Town Council • Local Access Forum • Auto Cycle Union • British Driving Society • British Horse Society • Byways and Bridleways Trust • Open Spaces Society • Ramblers Association • Cyclists Touring Club • LARA • Natural England - if it relates to a road, in or partly in, SSSI • Campaign to Protect Rural England • National Farmers Union • Country Land and Business Association • Council for National Parks • Any other body representing persons whom the National Park Authority considers are likely to be affected by any provision in the order. In cases where appropriate:- • Crown Authority • Fire & Rescue Authority • NHS Trust or NHS Foundation Trust	✓		
NPATO Reg 4	Consider comments received at Access Committee, and decide whether to continue with the Order making process.	✓		

NPATO Reg 5 (1)(a)	Publication in local newspaper of intention to make a TRO and on website	✓		
NPATO Reg 5 (2)	Copy notice of intention to make a TRO to consultees: • Local Highway Authority • Chief Officer of the Police • Parish or Town Council • Local Access Forum • Auto Cycle Union • British Driving Society • British Horse Society • Byways and Bridleways Trust • Open Spaces Society • Ramblers Association • Cyclists Touring Club • LARA • Natural England (again, if appropriate) • Campaign to Protect Rural England • National Farmers Union • Country Land and Business Association • Council for National Parks • Any other body representing persons whom the National Park Authority considers are likely to be affected by any provision in the order. Only in cases where appropriate:- • Crown Authority • Fire & Rescue Authority • NHS Trust or NHS Foundation Trust	✓		
NPATO Reg 5 (1)(b)(i)	Consider whether it is appropriate to put Notices on site			

NPATO Reg 5 (1)(b)(1)	Consider whether it is appropriate to give Notices to affected premises			
NPATO Reg 6(1)	Place documents on deposit (no later than the date the Notice of proposal is published and for 6 weeks after the date the order is made			
NPATO Reg 7	Check whether duly made objections received	✓		
NPATO Reg 11	Consider any duly made objections received at Access Committee for decision as to whether to continue with the Order on the basis of these objections	✓		

PART D: STEPS TO PUT ORDER INTO EFFECT				
	Make the Order	✓		
NPATO Reg 14(4)(a)	Place copy of order with deposited documents	✓		
NPATO Reg 14(1)	Newspaper advertisement and on website that order made(its nature and effect) within 14 days of date of order	✓		
NPATO Reg 14(2)	Written notice to objectors within 14 days of date of order with reasons	✓		
NPATO Reg 14(3)	Other appropriate steps to ensure adequate publicity – As appropriate			
NPATO Reg 15(1)	Place traffic signs on site	✓		