

# GLEAM



Green Lanes Environmental Action Movement

[www.gleam-uk.org](http://www.gleam-uk.org)

A newsletter for those interested in protecting ancient ways from the ravages of recreational motor vehicles.

**AUTUMN 2023**

## **Defra's plans for protecting green lanes**

Since we reported on Defra's proposed solutions for protecting green lanes in our Spring 2023 newsletter, Defra has made little or no progress in implementing them. We asked Defra and Natural England what was happening and were told the following:

Natural England say they will be supporting Defra by gathering best practice in the classification and management of recreational motor vehicle use on green lanes and assisting in the trialling and monitoring of any proposed classification system for green lanes. Natural England confirmed that the proposed classification system "*will include suitability criteria covering relevant landscape, heritage and biodiversity designations and will take other users' needs and local community concerns into account.*" They will oversee the refreshing of the guidance on green lane management issued to authorities, which has not been updated since 2005 (local highway authorities) and 2007 (national park authorities).

Defra say they have set up a working group of representatives from motorised user groups and local highway/national park authorities to assess suitability, but had not agreed draft terms of reference for the working group when we contacted Defra in June 2023. Defra said also that the project had stalled due to higher priority work and low resource, but welcomed our suggested suitability criteria, saying they would factor these criteria in when redrafting and that our suggestions would allow Defra to catch up a little on lost time.

## **Motorised user groups' ideas on green lanes**

We mentioned publications by two of these groups, the Green Lane Association (GLASS) and the Motoring Organisations' Land Access and Recreation Association (LARA), publications which argue that green lanes do not need further protection, and our rebuttals of these documents, in our Spring 2023 newsletter<sup>1</sup>. Since then, LARA and the Trail Riders Fellowship (TRF) have issued, with the National Motorcyclists Council (NMC), a briefing to Defra<sup>2</sup>, and met with Trudy Harrison MP, the Defra Minister for Natural

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1 <http://www.gleam-uk.org/newsletters/Gleam%20Spring%202023.pdf>

2 [https://assets.website-files.com/60364ce44148d168e4193d50/649d2e1fd3c92f1262df8f0a\\_Green%20Roads%20Briefing%20to%20DEFRA%20June%202023%20FINAL.pdf](https://assets.website-files.com/60364ce44148d168e4193d50/649d2e1fd3c92f1262df8f0a_Green%20Roads%20Briefing%20to%20DEFRA%20June%202023%20FINAL.pdf)

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Environment and Land Use. We comment below on the claims made in the briefing, using its headings, and in the NMC's press release following their meeting with the Minister. One general comment is that the briefing and the press release deal only with green lane use by motorcyclists (trail riding) and do not mention use by 4x4s (or quad bikes). We also wonder why LARA did not involve GLASS (a LARA member) in the production of the briefing and why LARA and the TRF have not yet published the NMC press release about the ministerial meeting.

### **Benefits to economies and communities**

We have already commented on claims by GLASS and the TRF about the economic benefits of green lane motoring in our Autumn 2022 newsletter. The briefing completely ignores the costs to highway and national park authorities (and other organisations) in repairing (often repeatedly) damage to green lanes caused by recreational motor vehicle use.

The briefing assumes that green lane motorists benefit rural communities by their spending with local businesses providing accommodation, refreshments and fuel. But if this assumption is correct, why do the vast majority of parish, town and community councils support the prohibition of recreational motor vehicles from their local green lanes, when they are asked?



Motorcycle damage to Lowna Low Lane, January 2016.

North York Moors National Park Authority consulted on the management of this unsealed unclassified road in 2013. Most of the local consultees, including the parish council, wanted a permanent, all year round TRO, as did Natural England (this part of the route is within a site of special scientific interest for its species-rich grassland and woodland flora, including wild daffodils). Instead the highway authority closed the route in 2018 by a temporary TRO for repairs, repairs which failed to prevent new damage when the route was reopened; it is now proposing a seasonal TRO.

### **Benefits to health and wellbeing**

The briefing also lists only benefits for trail riders, i.e. exercise and engagement with the natural environment. Although it says the green lane network is used by people who are not trail riders, it ignores the fact that recreational motor vehicle use of byways open to all traffic (BOATs) and unsealed unclassified roads deters non-motorised users from these green lanes because of the risks of meeting motorbikers, quad-bikers and 4x4 drivers, because of the damage they cause, and because it spoils engagement with the natural

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environment for everybody else. For instance, the Ramblers' Association commissioned a poll from ICM in 2004 which found that 79% of those polled in England and Wales said that off-road motor vehicles using rural rights of way meant increased danger for walkers, cyclists and horse riders; and 69% said that encountering motor vehicles would spoil their enjoyment of a country walk.

### **Benefits to conservation and public access**

Conservation, in the sense in which GLASS and the TRF use the word, is repairs to green lanes, not nature conservation. The TRF claim also to have protected public access to over 200 green lanes since 2016; they mean by this that they have preserved rights for motorcyclists by successfully opposing traffic regulation orders restricting motor vehicle use and by claiming historic (horse-drawn) public vehicular rights on unsealed unclassified roads. In every case of which we are aware, these lanes already had public access for non-motorised users; all the TRF have done is make it difficult for the non-motorised public to use these lanes in tranquillity and safety.



Recreational motor vehicle damage to the roots of an oak tree and to the surface of an unsealed unclassified road between Grizedale and Esthwaite, Lake District National Park, June 2023.

This road was used by the public with horse-drawn vehicles and well-maintained for them in the 19<sup>th</sup> century. Now only specialist off-road motor vehicles can use it as a through route and mountain bikers and walkers find it difficult because of the damage to the surface, loose stone and the exposure of rock steps.

### **Working with Defra**

The briefing lists various things LARA, NMC and TRF want Defra to do, i.e.

1. Future policy announcements by Defra to adopt a neutral or positive position regarding trail riding as a type of quiet enjoyment of the countryside.
2. Support the TRF green road mapping project (this software provides a map of green lanes with details of TROs for TRF members).
3. Free up the definitive map modification process by reducing dual recording of ways on both the list of streets and definitive map and statement. (N.B. this sounds like an attempt to stop or reverse the addition of green lanes which are on the list of streets to

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the definitive map and statement, usually as BOATs but sometimes as bridleways and footpaths. This is very unlikely to happen because it would require legislation.)

4. Liaise with the Department for Transport (DfT) on the latter's review of the TRO process.

5. Consider the opportunities within DfT's current Network Management Duty Guidance review to address issues about obstruction and signage which impact on the public's ability to access the countryside. (N.B. this duty is placed on traffic authorities to manage their road network to secure the expeditious movement of traffic, defined as including non-motorised users, and the guidance is one of DfT's levers for encouraging walking and cycling in urban areas.)

6. TRF and Defra to resolve "*unintended consequences and anomalies created by previous legislation*". (as noted above any changes to existing legislation such as the Natural Environment and Rural Communities Act 2006 would require new legislation.)

The briefing goes on to justify these demands by arguing that the motorised public should have more access to highways which are public rights of way than they currently do, less than 2% of the public right of way network. But public rights of way were defined in the 1949 legislation which established the definitive map and statement as footpaths, bridleways (where motor vehicle use has been illegal since 1930) and roads used as public paths, i.e. mainly used as footpaths or bridleways – they were intended to provide an alternative by which non-motorised users could get away from motor vehicles.

Furthermore, the public rights of way network can only increase in length by authorities making individual definitive map modification orders e.g. in response to applications, a process that will no longer be available for historic (pre-1949) public rights of way from 1 January 2031 in England. But the road network in England has increased in length by over 80%, from 104, 937 miles in 1959-60 to 189, 664 miles in 2020, due to planning decisions. So the motorised public have many more roads to use than they used to have, whereas the non-motorised public have not seen, and will not see, the same increase in public rights of way.

The NMC press release<sup>3</sup> about the meeting between the Minister, Trudy Harrison MP and LARA, NMC and the TRF, says that she remarked that it was "*unfortunate that so many green roads have been lost to motorcycling and other vehicles*", but that "*there needs to be a proper balance of green lane usage across various users, so that overall more people can use this historic national asset however they choose to access it.*" We point out that the principle on which the UK and Welsh Governments based the Natural Environment and Rural Communities Act (NERCA) 2006 was that historic use by the public with horse-drawn vehicles of green lanes should not result in the right for the public to use modern motor vehicles on such lanes. GLEAM seeks to extend the protection given by NERCA to the green lanes (BOATs and unsealed unclassified roads) to which this principle was not applied in 2006.

*Published by GLEAM, PO Box 159, Otley, LS21 9BT, [www.gleam-uk.org](http://www.gleam-uk.org).  
Views expressed are those of the contributor and are not necessarily those of GLEAM.*

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<sup>3</sup> <https://www.uknmc.org/news/defra-minister-supports-an-inclusive-approach-to-green-roads-for-all-users>