

GLEAM



Green Lanes Environmental Action Movement

www.gleam-uk.org

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

SPRING 2025

The new government's plans for 'lost' public rights of way in England

Defra announced on 26 December 2024 that the UK government would be introducing legislation (when parliamentary time allows) to repeal the 'cut-off date' of 2031 for historic (pre-1949) public rights of way to be added to/upgraded on the definitive map and statement in England. (The Welsh government announced its intention to repeal the cut-off date legislation some years ago.) The planned repeal means that public rights of way campaigners are no longer constrained by the cut-off date in ensuring that over 4,000 miles of green lanes (over 3,000 miles in England and almost 1,000 miles in Wales) can be added to the definitive map and statement. These green lanes are unsealed unclassified roads (UURs), often shown as other routes with public access (ORPAs) on Ordnance Survey maps. They are public rights of way because they are maintainable by highway authorities, but their exact status is unknown.

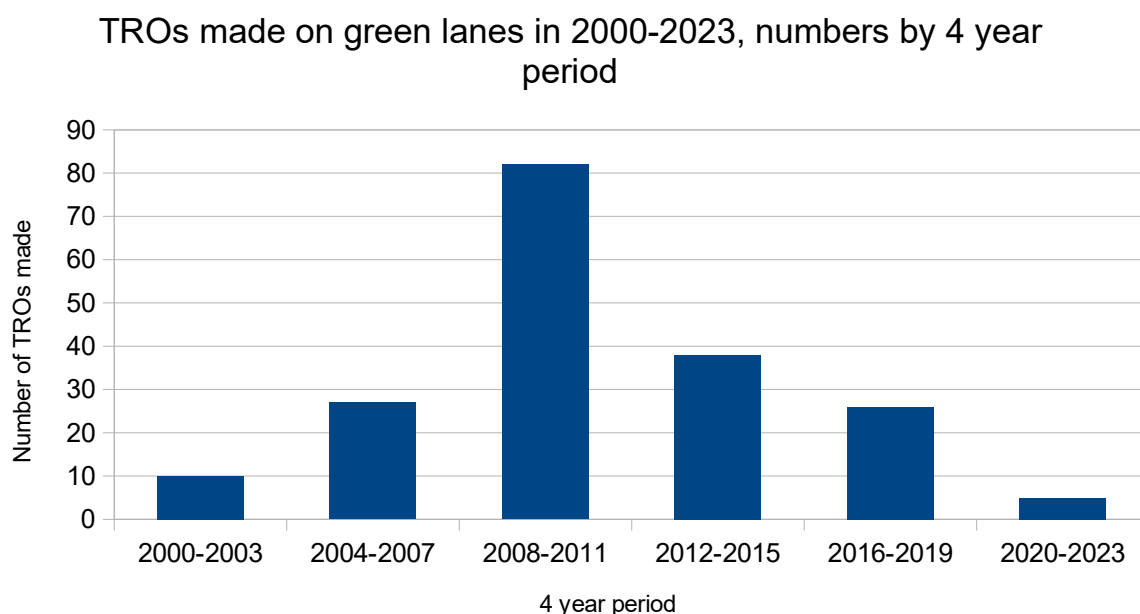
GLEAM sees the legislation to repeal the cut-off date as an opportunity for new legislation to ensure that UURs with historic public vehicular rights are added to the definitive map and statement as restricted byways in line with their historic use, not as byways open to all traffic as is the case now, due to a loophole in the Natural Environment and Rural Communities Act 2006. Off-roader organisations would prefer not to have any UURs added to the definitive map and statement "*because of the risk that an application could result in the way being added as a restricted byway, bridleway, or footpath*" but to leave the status of UURs as "*ambiguous*".¹ Their members believe that all UURs have public motor vehicular rights and will continue to use them unless they can be proven to be only footpaths or bridleways, the loophole in the NERC Act closed, or Traffic Regulation Orders (TROs) made prohibiting off-roader use.

1 The 'cut-off date' – Motoring Organisations' Land Access & Recreation Association briefing dated 1 May 2023

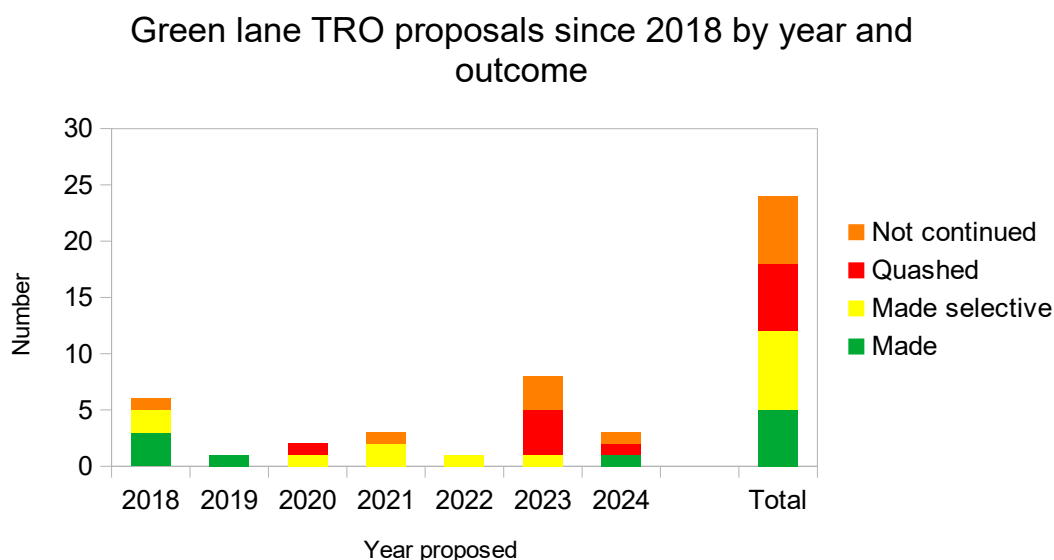
The Traffic Regulation Order process is not working – new legislation is needed

The new UK government is using the same formula as the previous government, saying that the Traffic Regulation Order (TRO) process is sufficiently legally robust to protect green lanes, in response to questions from MPs and highway authority councillors. We show below that this assertion is not correct, because the off-roader organisations are using their strong finances and large numbers of members to challenge more and more TROs.

Highway and national park authorities are increasingly reluctant to consider making effective TROs on green lanes, because of the likelihood of challenges, and financial constraints. This is reflected in the graph below, which shows the numbers of TROs made by 4 year period, from 2000 to 2023. The number of TROs made in the most recent 4 year period, 2020-2023, is the lowest of all. It is lower than the number made in 2000-2003, the 4 year period before Defra published its current guidance on making TROs in 2005 (Making the Best of Byways) and in 2007 (guidance for national park authorities on their new TRO powers).



The graph overleaf shows the numbers of TROs consulted on by year since 2018, with numbers made, made selective, and quashed or withdrawn due to legal action and objections by the motorised user organisations, GLASS (Green Lane Association) and TRF (Trail Riders Fellowship).



Half of the 24 TROs proposed by highway authorities for green lanes in the years 2018 to 2024 have been quashed or not continued due to legal action and objections promoted by the motorised user organisations, the Green Lane Association (GLASS) and the Trail Riders Fellowship (TRF). Of the 12 proposals which resulted in a TRO being made, most were selective (seasonal and/or prohibiting 4x4s only).

Of the six proposed TROs which were quashed, three were wholly or partly in special areas of the countryside (National Parks and SSSIs). Of the six proposed TROs which were not continued, five were in or adjacent to special areas of the countryside (National Landscapes, National Trails, SSSIs and nature reserves).

The high proportions of TRO proposals which have been quashed or not continued since 2018 indicates that the TRO process is no longer legally robust.

Commercialisation of green lanes

Off-roading on green lanes comes at high cost to the public purse - in the form of repairs, public rights of way disputes, staff time, TROs and legal costs. Nearly all this cost falls on hard-pressed highway authorities. A recent example is the £1.7 million per kilometre it cost Staffordshire County Council to repair two neighbouring routes. Staffordshire has also had to pay the (so far undisclosed) legal costs of making a TRO to protect these routes from further damage only to have the TRO quashed by the High Court².

² We are still waiting to find out exactly why the TRO was quashed.

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It is not just the individual trail rider or 4x4 driver who benefits from what is in effect generous public subsidy. Off-roading is also creating publicly subsidised commercial opportunities, a trend given a huge boost by the internet.

A trawl through the internet finds off-roading companies and tour guides offering driver training and green lane tours all over the country, particularly in the most rugged and scenic areas. The green lanes in Wales, the Lake District, the Yorkshire Dales and North York Moors unsurprisingly appear to get the heaviest commercial use.

Our green lanes are also promoted and used by companies based abroad and as part of the Trans Euro Trail (TET). This is a 100,000k motor bike route across 36 countries. Five thousand kilometres of it are in England and Wales, following a route devised by the Trail Riders Fellowship. The route is described as a 'cultural off-road adventure'.

Other organisations are charging for online maps and descriptions of the UK's green lane network. For example, TrailVidz charges £15 a year or £20 for lifetime membership giving access to maps and videos. It aims to include the entire UK network of BOATs and unsealed unclassified roads.

None of the companies and organisations exploiting green lanes is obliged to contribute a penny towards the high cost of off-roading being met by local and national park authorities.

Encouragingly, internet trawls also find a significant number of companies offering off-road experiences on private farms and estates, with no cost to the public purse.



From the website of a company advertising 4x4 tours of green lanes



A group of 10 motorcyclists on a green lane (a Roman road) which is part of the TET route through the Yorkshire Dales

Incredible claims by off-roaders that their use of green lanes is good for wildlife

The Green Lane Association (GLASS) is encouraging off-roader use of green lanes by claiming that motorised use of green lanes boosts biodiversity by providing wildlife corridors and a range of habitats for different species. This claim is based on two academic papers published in 2005 and 2006 which compared the biodiversity of single hedgerows with green lanes, i.e. routes bounded by a hedgerow on each side, in Cheshire. However, these papers show that none of these green lanes were through public rights of way for recreational motorists, but were used only by farm vehicles, livestock and horses.

Our experience is the opposite: the vegetation on green lanes and their verges is damaged by off-roading which reduces the lanes' value as wildlife corridors which enhance biodiversity. We provide some examples below.

Peak District National Park Authority (NPA) found that its experimental TRO prohibiting recreational motor vehicles from the Chapel Gate byway open to all traffic (BOAT) improved the hydrology and ecology of the route and its surroundings.³ Also in the Peak District, the highway authority had to level and reseed the surface of Moscar Cross Road (BOAT) nearly every year between 2013 and 2023 because of the ruts made by off-roaders, and the NPA had to use Farming in Protected Landscapes funding to pay for fencing to stop off-roaders deviating from the route, damaging adjacent land and disturbing ground nesting birds.

Off-roaders have encircled an oak tree next to an unsealed unclassified road in the Lake District National Park by making an alternative route on one side; the tree's roots are now exposed to over 50 centimetres below the historic ground level.

3 Chapel Gate Experimental Traffic Order Monitoring Report, Peak District National Park Authority, October 2012

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Off-roader damage to Moscar Cross Road, Peak District National Park, January 2022



Oak tree (pollarded to avoid overhead cable) encircled by off-roader tracks, leading to its roots being exposed and damaged. Lake District National Park, June 2024

The restoration of an area of upland heath and blanket bog (a site of special scientific interest, special area of conservation and special protection area for its flora and fauna) in Nidderdale National Landscape by Yorkshire Peat Partnership is being hampered by motorcycle use (encouraged by the Trail Riders Fellowship) of the unsealed unclassified roads which cross this area. These routes and adjacent land had recovered from previous off-roader damage thanks to short-term TROs, but the last of these TROs ended in 2019. The photos below show the largely grassy surface of one of these routes in 2017 during the last TRO, and the motorcycle ruts at the same place in 2024.



Junction of unsealed unclassified road (left) and footpath (right), August 2017



Same location in December 2024. Walkers have to leave the unsealed unclassified road because of the motorcycle ruts.

In February 2025, off-roaders drove on a nature reserve owned by Gloucestershire Wildlife Trust, damaging the wet grassland, which is an important habitat for rare fauna and flora, and also helps prevent flooding by the river Frome downstream from the reserve⁴. Below is a photo of off-roader damage to a green lane (and adjacent land) which goes past this nature reserve.

Off-roaders on (and off)
the unsealed unclassified
road which goes past
Sapperton Nature Reserve
in Gloucestershire



Marlene Masters

It is with great sadness that GLEAM announces the death of Marlene Masters in March 2025 at the age of 88. Marlene was an early member of GLEAM and joined the Committee in 1996. Her experience in fighting the reclassification of a road used as a public path (RUPP) as a byway open to all traffic (BOAT) near her home in Somerset led her to offer her expert advice and research on public rights of way to GLEAM members and others involved in public rights of way disputes.

Fellow Committee members pay the following tributes to Marlene and her rights of way work:

⁴ <https://www.bbc.co.uk/news/articles/c8d4p5r247zo>

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"Her battle against improper classification continues as her previously submitted works are still in the pipeline. She .. was still lecturing me on public rights of way matters right up to the end."

"Marlene was a force to be reckoned with, a 'terrier with a bone', who always did her utmost for her 'clients' faced with the perceived insurmountable definitive map modification orders and did not know which way to turn. She despised intransigence and the power of office – so was a 'thorn in the side' of many a Rights of Way officer. I admired Marlene, she never gave up fighting her rights of way cases... May she rest in peace, although I expect – up there – she will be hunting out the 'tenants for life' of the Estate of which her farm was a part, for supporting evidence!!"

"In 2000, Marlene went to the Appeal Court to challenge the High Court's decision to uphold the reclassification of a RUPP as BOAT. Although she lost this challenge, the Appeal Court judgment was and is useful in resolving uncertainty about the legal definition of BOATs, by specifying that BOATs are public rights of way whose character makes them more likely to be used by walkers and horse riders than vehicles. This judgment helped the Peak District Green Lanes Alliance and Derbyshire County Council successfully resist a claim by the Trail Riders Fellowship that an unsealed unclassified road was an ordinary road, i.e. a highway used mainly by ordinary motor vehicles, and not a BOAT."

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