North Yorkshire County Council

Unsurfaced Unclassified Roads in North Yorkshire

Policy consultation draft



Policy on the use and management of routes currently recorded as Unsurfaced Unclassified Roads in North Yorkshire



Business and Environmental Services

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1.0 Policy Statement

1.1 In preparing this policy the County Council seeks to adopt a holistic, route based approach that will seek to maximise sustainable use of Unsurfaced Unclassified Roads (UURs). However, the County Council recognises that many of the routes, by virtue in particular of their construction and the sensitivity of the adjacent landscape are unsustainable for use by mechanically propelled vehicles.

1.2 This policy serves to provide a concise baseline for consistent service delivery across the County of North Yorkshire with the intention of working closely in particular with two National Park Authorities in the County but also with other groups that have a particular interest in the issues concerned.

2.0 General

2.1 Introduction

2.1.1 The county of North Yorkshire covers 800,000 hectares (3200 square miles) with a highway network of over 9000 km (6000 miles) of roads. The County Council is responsible for providing services, including management of the highway network, to over half a million people.

2.1.2 The minor highways, footpaths, bridleways and byways of North Yorkshire constitute an extremely important resource particularly (but not exclusively) for recreation in the countryside. They have intrinsic value as well, contributing to the 'patchwork quilt' character of the countryside, with historic significance and often provide habitats for wildlife.

2.1.3 The County Council has since 2006 adopted a Highway Maintenance Plan which incorporates a network hierarchy as a means of prioritising routes across the publicly maintainable highway network on the basis of the volume and composition of traffic using it, risk assessment and the role of the route concerned in the network as a whole. The hierarchy is reviewed regularly and aims to:

- enable programmes of inspection to be set
- allocate resources according to the importance of the road within the network
- set policies and standards according to the importance of the road within the network

The current hierarchy and lengths are set out in the following tables:-

Table 1 - NYCC Network Category / Lengths

Carriageway Category	Urban	Rural	Total (Km)
2	62.574	214.751	277.325
3A	154.262	460.317	614.579
3B	289.036	835.732	1124.768
4A	321.495	1516.577	1838.072
4B	1270.531	3096.386	4366.917
5	48.878	0.560	49.438
6	**2.303**	**747.687**	**749.990**
			9021.089

Table 2 - NYCC Network Hierarchies and Categories

Category	Hierarchy	Type of Road	Detailed Description
	Description	**General Description**	
1	Motorway	Not applicable for NYCC	Not applicable for NYCC
2	Strategic Route	Trunk and some Principal "A" roads between Primary Destinations	Routes for fast moving long distance traffic with little frontage access or pedestrian traffic. Speed limits are usually in excess of 40mph and there are few junctions. Pedestrian crossings are either segregated or controlled and parked vehicles are generally prohibited.
3a	Main Distributor	Major Urban Network and Inter-Primary Links. Short-medium distance Traffic	Routes between Strategic Routes and linking towns to the strategic network with limited frontage access. In urban areas speed limits are usually 40mph or less, parking is restricted at peak times and there are positive measures for pedestrian safety.
3b	Secondary Distributor	B and some C class roads. Some unclassified urban routes carrying local traffic with frontage access and frequent junctions	In rural areas these roads link the larger villages and industrial sites to the Strategic and Main Distributor Network. In built up areas these roads have 30mph speed limits and very high levels of pedestrian activity with some crossing facilities. On street parking is generally unrestricted.
4a	Link Road	Roads linking between the Main and Secondary Distributor Network	In rural areas these roads link the smaller villages to the distributor roads. In urban areas they are residential or industrial or inter-connecting roads with 30mph speed limits random pedestrian movements and uncontrolled parking.
4b	Local Access Road	Roads serving limited numbers of properties carrying only access traffic	In rural areas these roads serve small settlements and provide access to individual properties and land. They are sometimes only single lane width and unsuitable for HGV. In urban areas they are often residential loop roads or culs de sac.
5	Back Street	Roads serving limited numbers of properties	Only applicable to urban areas, will typically be the rear access road to terraced properties
6	Unsurfaced Road	Unsurfaced Road, may provide access to residential / commercial properties or connect to the surfaced highway network	Only applicable in 'rural' locations includes those roads locally known as 'Green Lanes' or 'County Roads'.

Within the hierarchy Unsurfaced Unclassified Roads comprise the lowest priority group (Category 6).

2.1.4 The objective of this document is to set out a policy that can be used to ensure a consistent and fair approach to the future use and management of those highways within this context.

2.2 Guidance

2.2.1 The 2005 DEFRA publication 'Making the Best of Byways' highlighted three key issues that cause problems relating to the use of motorised vehicles. Broadly, these were:

- uncertainty surrounding what rights exist
- conflicts between users focussed on the alleged impact of motor vehicles on the amenity value of the countryside
- physical deterioration of routes as a result of insufficient maintenance and / or unsustainable levels of use by motor vehicles

2.2.2 In North Yorkshire issues concerning motorised vehicular use of UURs often arise from one of, or a combination of these issues.

2.3 Listing / Recording

2.3.1 Whilst UURs appear on the List of Streets (LoS) their inclusion does not automatically mean that rights exist for use of a motor vehicle on the route concerned. The County Council acknowledges that the minimum public highway right that exists on a UUR is as a 'footpath', however this does not preclude the possibility of higher rights. Some UURs have become termed as 'dual status' in that they appear on both the LoS and the Definitive Map and Statement of Public Rights of Way.

2.3.2 The Natural Environment and Rural Communities (NERC) Act came into force on 1st Oct 2006 and directs that unrecorded vehicular rights are extinguished under specific criteria, the Act also identifies qualifying criteria for the retention of vehicular rights.

2.3.3 In North Yorkshire this will mean that many 'dual status' routes will have their status defined by the Definitive Map and Statement.

2.4 Conflict Between Users

2.4.1 Conflict generally arises between users because many walkers and horse riders consider the potential for quiet enjoyment of the countryside when using the routes is disturbed by the presence of motor vehicle users.

2.4.2 Similarly residents living adjacent to the routes in what are often remote areas raise concerns that the peace and quiet or privacy has been disturbed by the motorist.

2.5 Physical Deterioration

2.5.1 UURs do not have sealed surfaces and many have not had the benefit of any reconstruction work since they were first built. In many cases they will have had only limited maintenance carried out on them over the last fifty years or more. They may therefore be susceptible to physical deterioration through natural forces or use, excessive or otherwise, or a combination of these factors.

2.5.2 Highways of this kind can be particularly prone to weather damage (e.g. water flows following very wet weather). This often then makes them more susceptible to damage through use.

2.5.3 Against this background use by motor vehicles is capable of causing significant damage to a UUR. Such physical damage can not only impair the use and enjoyment of a route by other users but can also create conditions which jeopardise their physical safety. In exceptional circumstances a route can become impassable for all users bar those drivers who enjoy the challenge of such conditions. This impacts on those who may use such ways to access land or premises and has implications in terms of the Council's duty under s130 (1) of the Highways Act 1980.

2.5.4 The County Council acknowledges that private rights do exist and in developing route management proposals will consult with land owners.





U936/9/40 circa February 2007 U936/9/40 circa February 2011
Deadmans Hill, Nidderdale

2.6 Environmental Damage and Disturbance

2.6.1 Damage to UURs can affect their intrinsic landscape, heritage and ecological character. Conversely avoiding damage can help ensure that routes remain clear from encroaching vegetation which benefits both other users and wildlife. As in the case of cobbled and paved ways, many of these routes have been constructed using materials and methods which lend character, distinctiveness and historical significance to the route and the wider landscape setting.

2.6.2 In an unspoilt condition many UURs, as well as adding to the visual appeal of the countryside, often provide opportunities for wildlife to flourish. The verges and banks of these routes can host plants now rare elsewhere within the countryside and can support invertebrates, small mammals, amphibians and reptiles. They can be of significant ecological value.



U936/9/40 circa February 2011
Deadmans Hill, Nidderdale

3.0 Assessment

3.1 Prioritising the assessment of UURs in North Yorkshire

3.1.1 All UURs in North Yorkshire will ultimately be the subject of assessment in the manner set out elsewhere in this policy document to determine whether or not public vehicular use is a feasible option. In doing so, every attempt will be made to avoid duplication of similar assessment work already undertaken by the Yorkshire Dales National Park Authority and the North York Moors National Park Authority.

3.1.2 Assessment will be prioritised as follows:-

⇒ Hot Spots - routes in poor physical condition and already the subject of a Temporary Traffic Regulation Order

Thereafter a review on an area by area basis of the areas managed by each of the County Council's Highways and Transportation Area Offices prioritising routes in those areas on this as follows :-

⇒ Routes which appear to be most obviously progressions of public rights of way

⇒ Remainder

3.2 Assessing an unsurfaced unclassified road

3.2.1 **Step 1 – Assessment**

3.2.2 This will be the key element in formulating the County Council's strategy in respect of the future of any particular route. It will comprise a detailed physical assessment of the capability of the route to accommodate use by motor vehicles, i.e. cars / motor cycles and will consider the any seasonality issues.

3.2.3 The assessment will address not only the surface of a route, i.e. route competence but also identify drainage management which alone can lead to significant damage and equally key structures that may exist along a route (in particular bridges and culverts). It is envisaged that in-house expertise from within the County Council will be used to carry out the bulk of the work involved in assessing routes but occasionally it may be necessary to use outside consultants. A typical example (U7102/9/50 - Turf Road, Castleton) of the form such an assessment will take is appended to this document as **Appendix A.**

3.2.4 Following assessment a full written report will be prepared which will include a determination of whether or not a route is thought to be physically capable of accommodating use by motor vehicles by the public in the future.

3.3 Step 2 – Options

3.3.1 In the event that a route is assessed not to have the capability to accommodate vehicular use then future strategies for that route will be geared toward its use as public path. Where assessment determines that a route is in principle physically capable of accommodating vehicular traffic then further work will be undertaken to assess the sustainability of such use on the route concerned.

3.4 Step 3A – Routes not to be used by motor vehicles

3.4.1 Where a route is assessed at "STEP 1" to be incapable of accommodating vehicular use by the public then this will be prevented at the earliest opportunity by imposing Traffic Regulation Order utilising powers contained the Road Traffic Regulation Act 1984.

3.4.2 Thereafter the County Council will seek, as much as is practicable to have that route recorded as a public path on the Definitive Map & Statement.

3.4.3 In determining the most appropriate public path designation for a route particular emphasis will be placed on whether or not the route forms a natural extension or link to public paths already included on the Definitive Map & Statement.

3.4.4 Once an entry on the Definitive Map & Statement has been made for a route, the reference to that route shall be removed from the List of Streets. Ultimately the aim is that routes will be the subject of an entry either in the List of Streets or the Definitive Map but not both.

3.4.5 As a consequence of the ongoing development / evolution of the Local and National Street Gazetteers it is likely that in the near future that all PRoW will be added to the North Yorkshire Local Street Gazetteer which includes all streets within the County.

3.5 Step 3B – Sustainability review for routes with potential for vehicular use

3.5.1 Where a route is assessed at "STEP 1" as having potential capability to accommodate public use in motor vehicles a "sustainability review" will be conducted in particular to assess ecological and heritage issues that may be affected. Again the County Council expects to be able to conduct such an assessment by using in-house expertise but will where necessary employ the services of outside consultants.

3.5.2 A sustainability review (which will take the form of a written report) is most likely to conclude how much if at all use of a route by vehicles will need to be regulated in some way. That may be to restrict weight in order to preserve structural features like bridges or culverts or it may be to prevent usage at certain times of the year for example to help protect ground nesting birds.

3.5.3 If the sustainability review suggests that some form of seasonal restriction would be appropriate then in the first instance the County Council would seek assistance from network users by implementing the restriction by 'Voluntary Restraint'. If that failed then legal prohibition measures would be implemented.

3.5.4 On rare occasions it is possible that a sustainability review will conclude that there are no circumstances in which vehicular use is sustainable. In that case the strategy set out in STEP 3A (above) of this policy document will apply.

4.0 Future management

4.1 Where a route is to be the subject of public vehicular use then it will be inspected annually, the inspection will include review of the degree of regulation of traffic (if any) required in order to preserve the route.

4.2 Where a route is subject of public vehicular use then the County Council will seek to involve and work with volunteer groups with a view to achieving its overriding aims to preserve and protect them.

4.3 Notwithstanding annual review, immediate measures may be taken as deemed appropriate at any time to protect routes and the landscapes and habitats around them.

4.4 The County Council will seek to work closely with those having private vehicular rights on the routes which are the subject of this policy document with a view to achieving its overriding aims to preserve and protect them.

4.5 Routes that become the subject of entry on the Definitive Map & Statement will ultimately be managed as part of the rights of way network. The County Council will work closely with the National Park Authorities on such routes in their areas on schemes to conduct restorative work required where excessive damage has been caused in the past particularly through vehicular use.

5.0 UUR Working Group

5.1 A Working Group, comprising representatives of the 3 Local Access Forums operating within North Yorkshire with a particular interest in the UURs and the issues surrounding them will meet on a regular basis throughout each year to provide a working link with the County Council's officers and a steer on implementation of this Policy.

5.2 The management proposals developed by this group will be reported to one of the County Council's Committees / Committee Working Groups which will be the approving committee.