Green Lanes

A report to the Countryside Commission

Dartington Amenity Research Trust

June 1979

GREEN LANES

A report to the Countryside Commission

Study Team

Fiona Leney, BSc, PhD (Project Officer)

Christopher D. White

assisted by

Peter Downing, BA, ForCert

Michael Dower, MA, ARICS, DipTP, MRTPI

Regional Surveyors

Paul Harber
Hartmut Kress
Gordon LePard, BSc
Michael Mallett
Simon Murphy
Edmund Stobart

Secretary: Diana Hunt

Drafting: Sheila Sherris

CONTENTS

LIST OF MAPS

Chapter 1 INTRODUCTION

ORIGINS OF THE STUDY

1.1. Paths, tracks, and later specially constructed roads have always linked human settlements, although the network of routes is constantly changing with the alterations in distribution and size of the population, its needs, and the mode of transport. Once different kinds of traffic (pedestrians, packhorses and carts) were able to share the same routes, but the speeds of motor vehicles and the smooth, hard road surfaces they require make most roads unpleasant and dangerous for slower traffic. At the same time interest in walking, riding, cycling and driving for pleasure rather than necessity has increased considerably over the last twenty years (20)*. The routes (in common, non-legal usage, variously called paths, tracks, and ways) which have remained untarred and are therefore unsuitable for most vehicles, are now seen as forming an increasingly important recreational resource.

1.2. Some of these paths and tracks are now hardly visible on the ground (such as little-used paths across grassland), but others were once important and well-built roads - Roman roads, packhorse routes, roads to old mine workings, fords, and so on - are still clearly delineated on the ground and are usually several metres wide. The majority are public rights of way and are of obvious value for recreation, while the remainder are private tracks which may or may not be used by the public. Both public and private tracks may play an important utilitarian role as a means of access to fields and houses. They may also be of considerable historical significance, form interesting landscape features, or act as a refuge for wildlife.

1.3. Despite this apparent importance, relatively little appears to be known about green lanes - their total extent, pattern of distribution, state of repair - indeed, how they are to be defined. Their legal status is particularly complex (see paragraphs 2.7 - 2.34), so that the public may or may not have the right to use them on foot, horseback, pedal cycle, motorcycle or other vehicle; and it may or may not be legitimate for neighbouring landowners to plough the surface of the lane itself. Increasing public concern has prompted Parliamentary questions relating to the protection of green lanes, as a result of which the Department of the Environment asked the Countryside Commission and the Nature Conservancy Council to undertake studies on 'Green Lanes' and the issues associated with them. Dartington Amenity Research Trust was appointed to carry out work for the Countryside Commission relating to their statutory remit: *"... to secure public access for the purpose of open-air recreation"*.**

WHAT IS A GREEN LANE?

1.4. As pointed out in the original request from the Department of the Environment to the Countryside Commission which initiated this study:

> *"Green lane, greenway and droveway are simply descriptive terms for an ancient track, readily envisaged but difficult to define".*

Accordingly, the Countryside Commission made a preliminary examination of the possible definitio of a 'Green Lane' (as well as considering the associated problems), with the assistance of their Public Rights of Way Advisory Committee. The brief for the study explained that

> *"the consensus of opinion as expressed to the Commission is that the majority of 'green lanes' are public highways and are therefore either public paths (footpaths and bridleways), roads used as public paths (a concept and definition which was introduced by the National Parks and Access to the Countryside Act, 1949), byways open to all traffic (a definition introduced by the Countryside Act 1968 to overcome problems of vehicular usage of roads used as public paths), or unmetalled county roads. A few may be private rights of way, e.g. farm accommodation roads".*

The Commission therefore reached the conclusion that

> *"a 'green lane' is best defined in broad general terms, viz. that it is an unmetalled track which may or may not be a right of way for the public either on foot, horse, bicycle or motor vehicle, including a motor bicycle, and which is usually bounded by hedges, walls or ditches".*

* Publications referred to in the text are listed in Appendix I.

** Countryside Act, 1968.

1.5. After field testing, the above definition of a green lane has been used as the basis for the study, subject to the following provisos:

i. 'Lanes' under 10 m long (e.g. thickened sections of hedge at field entrances) have been discounted unless known to be the remains of a longer lane.

ii. Lanes which are partially tarred or concreted have been counted (as green lanes) provided less than 50% of the surface is so covered. Thus a gravelled road where a few holes have been filled with tarmac is a green lane by our definition; but a road where the wheel tracks have been concreted throughout their length is not, nor is a muddy lane with a tarred surface below the mud.

THE LEGAL STATUS OF GREEN LANES

1.6. As defined above, the term 'green lane' has no generic legal status. As will be seen in later chapters, some are private roads, a proportion of which are - in practice - used by the public, although there is no right of public access. Many private tracks are access roads for farms and fields. A few lanes falling within the definition of green lanes were found to be private drives giving access to one or more houses. Unadopted access roads in towns might also come within the definition, although none was encountered in the three areas studied.

1.7. Green lanes which are public highways also come under a variety of categories: footpath; bridleway; cart road/footpath; cart road/bridleway; road used as public path; byway open to all traffic; unclassified county road; and even class C county road. Disused railways or tramways which have been modified for use as paths by the public (whether owned publicly or privately) also constitute green lanes under the Countryside Commission's definition and so were included in the study; but lines which had merely fallen into disuse were not included.

1.8. As the Countryside Commission points out in the brief for the study, *"such value as a 'green lane' has does not depend on its precise status as a public right of way"*; but *"it is necessary ... to know the legal history of particular 'green lanes' before it is possible to understand any problems"*. The legislation relating to the various categories of green lane and its implications are described in some detail in Chapter 2; but the problems which appeared important at the outset are summarised below.

PROBLEMS ASSOCIATED WITH GREEN LANES

1.9. Although a wide variety of problems results from the uncertain legal position of green lanes, the potentiality for loss of green lanes, and for conflict between those using them, appeared to cause concern.

1.10. Loss of green lanes had obvious implications for those who use them, but lanes may also be important for archaeological or historical reasons; for wildlife conservation; or for landscape conservation (see cover). Lanes can be totally destroyed if the boundary hedges, walls, ditches, etc. are removed and the lane surface is ploughed. 'Ploughing out' was reputed to be quite a serious problem in certain areas, particularly where arable farming is taking over from livestock as on the Dorset downland. Farmers are entitled to do as they wish with green lanes which are private tracks; and green lanes which are footpaths and bridleways may legally be ploughed following removal of the boundary walls or hedges.

1.11. The 'green' character of lanes may also be destroyed by hard-surfacing; or by widening when this implies the removal of at least one boundary. The phasing out by dairies of milk churn collections means that all dairy farms, even in the most traditional areas, must then be made accessible for bulk tankers, so this gradual loss of lanes could well be accelerated. There are no simple means of halting this form of destruction: whatever the legal status of the green lane, agricultural improvements must normally take precedence over the preservation of the character of the lane.

1.12. Green lanes which are not destroyed may yet lose much of their recreational, landscape and wildlife value through neglect. It is accepted that private lanes which are not often used will become overgrown, but it is less acceptable to learn that many lanes which are public rights of way or even county roads are reported to be now virtually impassable. Farmers are legally obliged to trim hedges bordering all highways, but green lanes can pose problems as they may be too narrow for modern hedge-trimming machines. The surface of highways should be maintained by the highway authority, but the value of highways budgets has generally declined in recent years and green lanes are often neglected. Furthermore, upkeep of minor tarred roads is also being reduced and, as the surface deteriorates, some may now appear little different from green lanes.

1.13. Conflict over the use of lanes was reported to occur mainly between different types of use by the public but also, to a lesser extent, between users and landowners or tenants. In the former case, the major conflict appeared to be between vehicular users and walkers, with particular reference to 'trail riding' by motorcyclists. There is also some indication of conflict between walkers and horse-riders. In the case of landowners and tenants of the land over which green lanes passed, conflicts with users - over obstruction, muddy surfaces, litter and trespass - were very similar to those reported on other rights of way (5).

THE FORM OF THE STUDY

1.14. The brief for this study of the problems associated with green lanes called for it to take place in four phases, as follows:

> "*Phase 1* *A desk study of the existing evidence of the problems and consultation with interested parties (amenity and recreational interests, farmers and landowners) on three suitable areas for study (two in the lowlands, one in the uplands). The areas are to be chosen as broadly representative of the issues concerning green lanes, and initial indications are that a suitable area for study might be the area of a District Council.*
>
> *Phase 2* *Field studies in the three study areas to assess:*
>
> *i. the extent of the mileage of 'green lanes';*
>
> *ii. their legal status as highways and the ways in which this might have changed following the provision of the 1949 National Parks and Access to the Countryside Act;*
>
> *iii. the extent to which the requirements of walkers, riders, cyclists and motorists, including motorcyclists, can be met;*
>
> *iv. their recreational value;*
>
> *v. the contribution they make to the landscape;*
>
> *vi. their historical/archaeological contribution; and*
>
> *vii. the extent to which they assist or hinder farming practices.*
>
> *Phase 3* *Review of the evidence gathered in Phase 2 and consultation with local interested parties on these findings.*
>
> *Phase 4* *The preparation of a report of the study and draft recommendations which should include recommendations on whether existing legislation is effective in resolving the matters referred to in Phase 2."*

(Wildlife value was not to be studied in detail because a separate report is to be submitted to the Department of the Environment by the Nature Conservancy Council.)

THE FORM OF THE REPORT

1.15. It has been thought logical and helpful that this report should broadly reflect the structure of the brief. Thus Chapter 2 corresponds with Phase 1 in the brief (desk study) and describes the evidence in the literature and the opinions of national bodies on the details and problems of green lanes. Chapter 3 corresponds with Phase 2 and describes the physical evidence found in Devon, Dorset and Derbyshire. The views of local people in these areas (Phase 3) are then outlined in Chapter 4. The appraisal of these findings and opinions is implicit in the syntheses given, and the final chapter simply states the conclusions which emerge from the study prior to making certain recommendations.

Chapter 2 THE NATIONAL PICTURE

SOURCES

2.1. Although several books on green lanes have been published, most of this literature relates only to certain aspects of this study. Old roads, some of which are present-day green lanes, are mentioned in a number of historical and more recent works such as Defoe's 'A Tour through the whole Island of Great Britain' (6), Marshall's 'Rural Economy of the West of England' (15), Dodd and Dodd's 'Peakland Roads and Trackways' (7), or Beresford and Hurst's 'Deserted Mediaeval Villages' (1). Although a few of these have excellent maps and enable the reader to match exactly the past and present-day road systems (such as Good's 'The Old Roads of Dorset' (9)), it is difficult to work out just which lane other authors are describing (e.g. Timperley and Brill's 'Ancient Trackways of Wessex' (21)). In some cases (e.g. Hippisley Cox's 'The Green Roads of England ' (13)), it is impossible to tell whether or not a track under discussion ever was bounded, and thus a green lane, far less whether any trace now remains. However, taken together, these books give considerable insight into the history of the road network, particularly the more important long-distance routes such as the Great Ridgeway in Wessex, or Doctor's Gate in Derbyshire.

2.2. Unfortunately, no publications were found during the research which describe, or otherwise throw light on, green lanes as a generic group of tracks, etc., whether it be their location and extent, or the problems associated with them. There are documents which summarise the legal position in respect of footpaths and bridleways - Campbell's booklet on 'The Law of Footpaths and Bridleways' (2) for example, or the Ramblers Association's 'Guide to Creation, Diversion and Closure of Public Paths' (18) - but no such useful summary was found to other highways. Articles in such journals as 'Footpath Worker', and notes from statutory bodies like the Department of the Environment, or from voluntary bodies such as the Trail Riders Fellowship, give some information on aspects more specific to green lanes - a number of these were examined during the study. However, we were obliged by the paucity of information to extend our understanding through interviews with representatives of as many of the various bodies concerned as came to our knowledge during the study. These bodies are listed in Appendix II, and their views (with some of the data thus made available to us) are given below under appropriate headings.

DISTRIBUTION AND ABUNDANCE OF GREEN LANES

2.3. Table 1 is reproduced by courtesy of the Department of Transport and the other sources named, and shows the length of various categories of highway in each county of England and Wales. Lengths of green lane and unsurfaced highway, and of footpath and bridleway (which include some green lanes which fall within the definition used in the study), are shown, the total length of road of all types, and of unclassified county road, are given for comparison with these figures; whilst the estimated population and the surface area of each county (in 1973) provides a basis for comparisons of relative densities.

2.4. Using the simple criterion of total length of road ('All Roads' column in the table), it will be seen that Devon has the greatest length. It also has the greatest length of 'Unclassified Roads'. However, if the lengths of road are related to the area of the counties, or to their respective populations, then the picture is rather different. The more urbanised counties, such as Greater Manchester and Staffordshire, tend then to have a greater density of road in both the above categories per unit area (kilometres of road per square kilometre), as might be expected from the dense street networks. If the length of road is related to population (in kilometres of road per one thousand head of population), then the reverse tends to apply, with the more sparsely populated areas, such as Lincolnshire and Cornwall, having a greater density in both categories of road. (This latter measure of density has financial implications in that it gives some indication of the relative burden on the ratepayer.)

Table 1 LENGTH OF PUBLIC ROAD AND PATH IN COUNTIES OF ENGLAND AND WALES IN 1976 (IN KILOMETRES)
(as given in annual returns to the Department of Transport or as supplied by the Welsh Off

Highway Authority	Area (km^2)	Population (1,000's)*	All roads (km.)	Unclassified roads (km.)	Unsurfaced roads and green lanes (km.)Ø	Foo bridl
Greater Manchester	1,377	2,730	7,569	5,774	-	
Merseyside	648	1,621	4,068	3,180	199	
South Yorkshire	1,562	1,319	4,849	3,347	-	
Tyne and Wear	540	1,198	3,851	3,021	-	
West Midlands	900	2,785	6,284	4,759	12	
West Yorkshire	2,041	2,080	7,629	5,554	150	
Avon	1,347	914	4,344	2,640	-	
Bedfordshire	1,236	481	2,119	1,184	80	
Berkshire	1,260	645	2,973	1,668	322	
Buckinghamshire	1,884	496	3,258	1,721	194	
Cambridgeshire	3,412	533	4,405	1,980	222	
Cheshire	2,324	896	5,344	2,943	29	
Cleveland	584	567	1,979	1,494	20	
Cornwall	3,549	391	7,288	3,537	47	
Cumbria	6,814	474	7,171	3,327	311	
Derbyshire	2,633	888	5,288	2,704	174	
Devon	6,716	921	12,821	6,514	312	
Dorset	2,656	566	4,439	2,343	835	
Durham	2,438	610	3,602	1,930	84	
East Sussex	1,797	658	3,402	1,930	84	
Essex	3,676	1,398	7,024	3,941	800	
Gloucestershire	2,645	482	4,820	2,311	149	
Hampshire	3,777	1,422	7,878	4,333	800	
Hereford & Worcester	3,930	577	7,085	3,358	116	
Hertfordshire	1,635	940	4,194	2,556	—— 1,770 ——	
Humberside	3,515	847	5,352	2,825	-	
Kent	3,735	1,435	8,275	4,775	234	
Lancashire	3,042	1,363	7,000	4,324	0	
Leicestershire	2,550	824	4,809	2,501	164	
Lincolnshire	5,890	513	8,379	3,718	236	
Norfolk	5,360	644	8,596	3,917	406	
North Yorkshire	8,315	645	8,883	4,281	697	
Northamptonshire	2,369	488	3,516	1,728	166	
Northumberland	5,037	283	4,814	2,150	21	
Nottinghamshire	2,214	982	4,212	2,445	169	
Oxfordshire	2,609	530	4,030	1,899	64	
Salop	3,493	348	5,455	2,335	109	
Scilly, Isles of	-	2	45	38	1	
Somerset	3,452	399	6,252	2,938	289	
Staffordshire	2,718	985	5,734	3,159	54	
Suffolk	3,810	562	5,981	2,845	111	
Surrey	1,681	994	4,113	2,472	82	
Warwickshire	1,982	468	3,269	1,542	106	
West Sussex	1,993	630	3,456	1,755	190	
Wight, Isle of	381	110	739	347	32	
Wiltshire	3,483	501	4,639	1,829	727	
Dyfed	5,769	316	-	-	882	
Clwyd & Gwynedd	6,402	591	-	-	499	
Powys	5,081	99	-	-	811	
Glamorgan (S,M,W)	2,254	1,301	-	-	308	
Gwent	1,377	441	-	-	161	
TOTAL	149,299	41,913	241,233	131,831	11,409	15
AVERAGE	3,317	911	5,244	2,866	248	

* Population as estimated by the Registrar-General for mid-1973.
Ø Figures for unclassified county road and footpath and bridleway are sometimes estimated, or totals of earlier years.
\- Figures not known

2.5. The figures given in the table for 'All Roads' and 'Unclassified Roads' are thought to be reasonably accurate: that is to say that any error will be but a small percentage of the whole. Unfortunately, the extraction from these of the other categories shown yields data which are much less reliable, partly by reason of inconsistency in their allocation to one category or another, and partly from lack of survey material. In some counties, the total length of 'Footpaths and Bridleways' (a category which subsequent research showed usually to include some length of green lane) is not known to the highway authorities because of incomplete or inaccurate Definitive Maps (see paragraphs 2.8 to 2.11).

2.6. The figures given for 'Unsurfaced Roads and Green Lanes' appear, on the evidence, to be particularly unreliable because of differing classifications. For example, the figure in the table for Cheshire is 29 kilometres, yet this county has also given us a (separate) figure of 177 kilometres of 'Road used as Public Path'. In its return to the Department of Transport, Lancashire has not given any figure for 'Unsurfaced Roads and Green Lanes', despite the probability that there are some such within the county. The Highway Authority in Dorset has divided its unclassified roads into three quite different groups: 'Metalled', 'Unmetalled', and 'Green Lane', but has given us no clear indication on how the last two are distinguished one from another. (In Table 1 we have therefore amalgamated them in column 6.) It will also be seen from the table that Hertfordshire does not distinguish 'Unsurfaced Roads and Green Lanes' from 'Footpaths and Bridleways'. In other counties, the official statistics do not distinguish between surfaced and unsurfaced roads and we were advised, informally, that many of the figures given to the Department of Transport are 'guesstimates'.

2.7. We are, therefore, able to give only indicative figures regarding the incidence and extent of green lanes in England and Wales, and reliable comparisons between counties are not possible. This confusion about classification reflects the legal confusion surrounding the status of green lanes within the broader context of highways legislation. Below, we attempt to untangle this legal position, but the point is simply made: the official statistics are unhelpful because no agreed definition of a green lane exists.

THE LEGAL STATUS OF GREEN LANES

2.8. Initial legislative position. As already discussed, green lanes may come under a bewildering variety of headings, or may indeed not be public roads at all. The majority of green lanes are old tracks, and the present-day designation usually depends on past use and (most important) on the incidence of the responsibility to maintain them. The Highways Act of 1835 laid down that all roads in being as public highways on 20th March 1836 became the responsibility of the Highways Surveyor for maintenance. Those roads which came into existence as public highways after this date became thereby repairable by the public if a Justice's certificate were issued. By the Public Health Act of 1925 (Section 4), the Surveyor was obliged to make a list of these roads (this could be kept in the form of a map if preferred); and these publicly maintainable roads formed the basis of the present-day system of public highways.

2.9. In 1929 (under the Local Government Act), responsibility for maintaining these roads passed from the Highways Surveyors to the County Councils, and most of the roads became County Roads. Unfortunately, although the 1925 Public Health Act had demanded a list of publicly maintainable highways, there had been no requirement to keep this up to date, so some of the new highway authorities were not sure at the outset whether or not certain roads were their responsibility. It is quite possible that little-used unsurfaced highways had been very irregularly maintained and were therefore left off the list; and it became increasingly difficult to prove whether or not a lane was in existence as a public highway in March 1836, and therefore should be a listed County Road. No subsequent Acts substantially altered this awkward legal position in relation to public paths and other unsurfaced highways until the National Parks and Access to the Countryside Act, 1949; the Highways Act of 1959; and the Local Government Act, 1972.

2.10. Section 27 of the National Parks and Access to the Countryside Act, 1949, required county councils (as the highway authorities) to carry out a survey of rights of way (i.e. public paths) in their areas, and to prepare a draft map and a statement relating to these paths showing, separately, footpaths, bridleways, and roads used as public paths *"wherever in their opinion such a right of way subsisted, or is reasonably alleged to have subsisted"* on a specified recent date. The following definitions were applied:

"footpath" means a highway over which the public have a right of way on foot only, other than such a highway at the side of a public road;

"bridleway" means a highway over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway;

"horse" includes pony, ass and mule, and "horseback" shall be construed accordingly;

"public path" means a highway being either a footpath or a bridleway;

"right of way to which this Part of this Act applies" means a right of way such that the land over which the right subsists is a public path;

"road used as a public path" means a highway, other than a public path, used by the public mainly for the purposes for which footpaths or bridleways are so used.

2.11. On completion of the draft map and statement, the highway authority was to advertise the fact and give details of places where copies could be inspected by the public, so that representations or objections could be made. Disputes arising from this process could be settled in various ways, with the ultimate decision resting on the Minister of Housing and Local Government, following a public enquiry if necessary. The next stage, *"as soon as may be"* after twenty days had passed following the last determination or decision, was the production of a provisional map and statement, advertised like the draft map and statement; and owners, lessees and occupiers of the land affected could object to this provisional map if they wished. *"As soon as may be"* after all applications had been determined, the highway authority was to prepare a definitive map and statement (advertised in the usual way and open to public inspection

2.12. The Act lays down that the definitive map is to be taken as conclusive evidence of a right of way of the grade specified at the date specified, that is to say:

"a. where the map shows a footpath, the map shall be conclusive evidence that there was at the relevant date specified in the statement a footpath as shown on the map;

b. where the map shows a bridleway, or a road used as a public path, the map shall be conclusive evidence that there was at the said date a highway as shown on the map, and that the public had thereover at that date a right of way on foot and a right of way on horseback or leading a horse, so however that this paragraph shall be without prejudice to any question whether the public had at that date any right of way other than the rights aforesaid; and

c. where by virtue of the foregoing paragraphs of this sub-section the map is conclusive evidence, as at any date, as to a public path, or road used as a public path, shown thereon, any particulars contained in the statement as to the position or width thereof shall be conclusive evidence as to the position or width thereof at the relevant date and any particulars so contained as to limitations or conditions affecting the public right of way shall be conclusive evidence that at the said date the said right was subject of those limitations or conditions, but without prejudice to any question whether the right was subject to any other limitations or conditions at that date."

(Our underlining for emphasis)

2.13. Provision for Review and Change. The National Parks and Access to the Countryside Act made provision for periodic review of the definitive maps, to take account of changes in the path system created by various legal processes, and of paths which had been alleged to exist but were not shown on the definitive map. These reviews were to be carried out *"at such time as the authority carrying out the review may consider appropriate, so however that the date of review shall not in any case be a date later than the expiration of five years after the relevant date"* (i.e. date to which the map and schedule refer) *"or the last preceding date of review"* (i.e. date of last review), *"whichever is the later"*. These 'statutory reviews' involved preparation of new draft, provisional and definitive maps, with public consultation as before. Section 37 provides for the Minister (of Housing and Local Government) to delay these statutory reviews under certain circumstances.

2.14. The National Parks etc. Act includes legislation relating to the creation, diversion and closure of public paths, but this was superseded by the arrangements given in the Highways Act 1959. If a road appears to have been used by the public as of right for twenty years or more, it may be claimed as a public highway under Section 34 of the Highways Act 1959. This Section is usually applied to the claiming of public paths (footpaths, bridleways and roads used as public paths) but can be applied to all highways. Sections 27 to 31 of the same Act allow dedication of footpaths and bridleways, by agreement or compulsorily, between *"any person having the necessary power in that behalf"* (usually the landowner) and a local authority; and Section 33 provides for dedication of a highway by way of agreement with a Parish Council. Sections 110 and 111 of the Act allow (respectively) the stopping up and diversion of both footpaths and bridleways (but not roads used as public paths or minor roads) by the local authority (in the case of stopping up) or the owner, lessee or occupier of the land (in the case of diversion). These statutes can, but apparently do not often, apply to green lanes which are footpaths and bridleways. Section 108, which allows stopping up or diversion of a highway *"for the purposes of all traffic, or subject to the reservation of a footpath or bridleway"* is more usually applied to green lanes (including roads used as public paths and county roads). This procedure must be initiated by the highway authority, and the order may be confirmed by the local magistrates court.

2.15. Lists of maintainable highways. The Highways Act, 1959, introduced the requirement that lists of publicly maintainable highways should be kept up to date, but related only to highways other than rights of way (i.e. 'roads' and 'streets' - at least some of which are green lanes). Section 38 (6) of the Act lays down that:

> *"The council of every borough and urban district shall cause to be made, and shall keep corrected up to date, a list of the streets within their area which are highways maintainable at public expense; and every list made under this subsection shall be kept deposited at the offices of the council by whom it was made and may be inspected by any person free of charge at all reasonable hours."*

Roads in rural areas were not covered by this Section of the Act, but the Local Government Act 1972 amended it as follows:

> *"For the words 'borough and urban district' there shall be substituted the words 'county and London borough and the Common Council' and at the end of that subsection there shall be inserted the words 'and in the case of a list made by the council of a county, the county council shall supply to the council of each district in the county an up to date list of the streets within the area of the district which are highways maintainable at the public expense and the list so supplied shall be kept deposited at the office of the district council and may be inspected by any person free of charge at all reasonable hours."*

2.16. Section 38 of the Highways Act 1959 also lists additional roads which should be maintainable at public expense and therefore appear on the county councils' lists. Those which might be green lanes include:

i. highways which immediately before the commencement of the (1959) Act were maintainable by the inhabitants at large;

ii. highways constructed by local authorities or highway authorities after commencement of the Act;

iii. highways which are footpaths or bridleways created after commencement of the Act.

As well as this:

iv. a person may dedicate a way as a highway, which then becomes maintainable at public expense (Section 39);

v. highway authorities may adopt by agreement any highway maintained by any person under a special enactment or by reason of tenure, enclosure or prescription (Section 40);

vi. highway authorities may adopt highways not previously maintainable at public expense which have been improved under the Agriculture (Improvement of Roads) Act, 1955 (Section 41);

vii. and they may adopt private streets (see paragraph 1.11).

2.17. Reviews of 'roads used as public paths'. Despite this legislation, it became evident to central and local government bodies that the rights of the public regarding the use of vehicles (and the obligations to maintain roads used as public paths) were not clear enough and, after consideration of the problems by the Gosling Committee (10), a special review of these highways wa provided for under the Countryside Act, 1968. Using a procedure similar to the preparation of the first definitive map (but without the landowners' right of appeal to quarter sessions and with a shorter time allowed for objections), the procedure was laid down in Schedule 3 Part III of the Act:

"(1) In the special review the draft revision, and the definitive map and statement, shall show every road used as a public path by one of the three following descriptions:

a. a 'byway open to all traffic';

b. a 'bridleway';

c. a 'footpath';

and shall not employ the expression 'road used as a public path' to describe any way.

"(2) As from the date of publication of the definitive map and statement in the special review -

a. each way shown in the map in pursuance of this paragraph by any of the three descriptions shall be a highway maintainable at the public expense;

b. subject to paragraph (c) below, any entry in the map describing a way as a 'byway open to all traffic' shall be conclusive evidence of the existence on the date of publication of a public right of way for vehicular and all other kinds of traffic;

c. section 32 (4) (c) of the Act of 1949 (position and width, and limitations or conditions affecting the public right of way, as shown in the statement) shall apply to any byway so shown as it applies to a footpath or bridleway.

"(3) In this paragraph, 'road used as a public path' means -

a. a way which is shown as a 'road used as a public path' in the last definitive map and statement, or

b. a way which is shown as a 'bridleway' or as a 'footpath' in the last definitive map and statement, and which in the opinion of the authority ought to have been there shown as a road used as a public path."

Where the review of roads used as public paths is carried out in isolation, it is known as a 'limited special review', but it can be combined with a quinquennial review of all rights of way.

> "c. *where the special review is not a limited special review, a way which in the opinion of the authority would, but for the provisions of this Part of this Schedule, have fallen to be shown, in the definitive map and statement resulting from the special review, as a road used as a public path*" (may be considered for re-classifica

The shortened consultation procedure laid down for the review of roads used as public paths was also to apply to the quinquenniel review of rights of way, whether or not it was combined with a limited special review.

AN APPRAISAL OF THE LEGISLATION

2.18. During this first phase of research (and from previous D.A.R.T. research on Rights of Way), a good deal of criticism was expressed at this bundle of legislation and its practical effects. We have collated these views in the following appraisal. Overall, much of the legislation applying to green lanes seems ineffective. Some green lanes (e.g. farm and field access tracks) may never have been public highways; but it seems likely that, as unimportant roads, some green lanes which were public highways escaped listing. We reiterate that, despite provision for the official listing of repairable highways under the 1925 Public Health Act, some highway authorities apparently did not receive either written lists or maps of these roads in 1929, and there was no requirement to update any lists, however incomplete, until 1959 in urban areas and 1972 in rural areas (paragraph 2.14). Also, there are still some public highways which *"by special enactment or reason of tenure, enclosure or prescription"* are not repairable at public expense so are not listed or mapped. Where upkeep of a road is a burden to the private individual(s) concerned, it may be put forward for adoption by the highway authority (under the Highways Act 1959, Section 38) but, on an infrequently used and unsurfaced highway, the duty to repair is not onerous. Eventually the right of the public to use the road may have been forgotten. Some voluntary user groups, anxious to claim these forgotten roads, have been very successful in finding documentary evidence of public use, in which case the highway may be claimed under the 20-year rule under Section 34 of the Highways Act 1959. However, it is often difficult to determine the extent od the public's rights on a particular road (e.g. vehicular rights, droving and bridle rights, or right of passage on foot only).

2.19. The 1949 National Parks and Access to the Countryside Act provided another way in which green lanes could be designated as rights of way, but many were apparently wrongly categorised. During D.A.R.T's study of 'Modifications of Rights of Way' (5), it emerged that local councils had carried out the survey for the definitive maps with varying efficiency, sometimes claiming every possible path in the parish, sometimes no claims being thought necessary because all local people knew the landowners and could cross their land anyway. Although the category of 'road used as public path' (as defined in Section 27 of the Act, see paragraph 2.9) was probably designed to include those green lanes which had public rights of access but were not registered as county roads, the category was often ignored. Parish councils often assumed all such roads were county roads (and no lists were available to check this); or highway authorities felt that tracks which were not already county roads should be bridleways or footpaths. Thus in some counties such as Derbyshire, some tracks are registered as both county roads and bridleways or footpaths; in others, such as Dorset, similar roads became public paths; and everywhere roads which were once public highways remained undesignated. In two counties the first definitive map is still not published and, in several others, misleading first maps have not been reviewed. There is a power, but no duty, for county councils to undertake the survey of paths in former county borough not previously surveyed. Few counties have complete and accurate records of rights of way.

2.20. This widespread misinterpretation of the Acts summarised above was not recognised immediately; and the confusion which gradually became apparent was subsequently put down to the specific term 'road used as public path'. In 1968, the Gosling Committee (10) reported:

"Roads Used as Public Paths

As far as we can discover this kind of 'way' was not formally defined until the passing of the National Parks and Access to the Countryside Act, 1949. We have heard from many quarters that the definition has led to a great deal of confusion and it does seem confusing to us. At a much earlier time many of these paths, or ways, were used as drove roads or packhorse ways by farm carts and they might have been described as carriageways. They fell into disuse in the nineteenth century and did not become motor roads in the twentieth century. Many are still used to a considerable extent for agricultural purposes and it has been foremost in our minds in considering the future of these roads that their continued use by farmers for their vehicles and livestock should not be questioned whether or not their land is adjacent to the path. We have received representations that most of these roads are not suitable for any form of motor traffic."

2.21. A review of roads used as public paths was therefore instituted in the 1968 Countrysi Act and was welcomed by many people at the time.

"Fortunately this unsatisfactory position will gradually improve and become clearer as a result of the operation of Schedule 3 of the Countryside Act 1968. In the special review to be carried out by county councils under that schedule all ways shown on existing definitive maps as 'roads used as public paths' are to be reclassified."

Campbell, 'The Law of Footpaths and Bridleways' (2)

However, the special review of roads used as public paths appears, with hindsight, to have created more problems than it has solved, although in many cases it was combined with a much-needed 'quinquennial' review of the definitive map so that the status of some wrongly designate or unclaimed paths and lanes could be reconsidered. (Only two counties have actually complete the Special Limited Review, and 27 have not yet started.)

2.22. In the review of roads used as public paths, the highway authority first makes the proposals for the re-classification (after consultation with district councils). After preparation of this draft map, and giving notice of its preparation, 28 days are allowed for inspection and objection. The considerations *"to be taken into account in deciding in which class a road is to be put"* are laid down in the Countryside Act 1968 as:

"a. whether any vehicular right of way has been shown to exist;

b. whether the way is suitable for vehicular traffic having regard to the position and width of the existing right of way, the condition and state of repair of the way, and the nature of the soil;

c. where the way has been used by vehicular traffic, whether the extinguishment of vehicular rights of way would cause any undue hardship."

2.23. On most roads used as public paths, a vehicular right is presumed to exist (although wording of the 1949 National Parks etc. Act is so vague that even this is open to doubt). Even so, it is particularly difficult to determine whether the way is 'suitable for vehicular traffic' when it is not clear whether this means some or all traffic. Almost any lane can be traversed by a skilled rider on a good trail bike but few roads used as public paths are suitab for ordinary private cars (see photograph 1). Similarly, where a road used as a public path i used by someone in the course of their day-to-day business, restriction of vehicular rights cou cause 'undue hardship'. If the lane is used only occasionally for recreational trail riding, it is hard to decide whether closing the lane to vehicles causes 'undue hardship' in any one case yet, taken together, a series of such re-classifications may well unduly restrict trail riders' activities.

2.24. To quote from the report by the Department of the Environment's Inspector on the proposed re-classification of two roads used as public paths in Staffordshire as footpaths:

> *"It is doubtful whether any vehicular right of way has been shown to exist apart from an occasional motorcyclist riding a specially constructed type of machine....*
>
> *"The road is not suitable for vehicular traffic because it is too narrow to permit two vehicles to pass ... No undue hardship would be caused by the proposed re-classification as there is an alternative route - although probably not as attractive scenically."*

2.25. By contrast, another Department Inspector (appointed by the County Council), reporting on a proposal for a local traffic order on part of the Ridgeway in Oxfordshire, wrote:

> *"It* (the Ridgeway) *is however especially suitable for those who are trail riders and this is the only kind of road which is suitable for such recreation as trail riding. Compared with the facilities available to walkers trail riders have few routes suitable for their recreation and they are becoming fewer."*

There seems little consistency between these two statements, and they obviously win the approval or condemnation of different potential users.

2.26. One further problem of the review of roads used as public paths is that, although the 1968 Act lays down the procedure for a single Special Review *"as soon as may be after the commencement of this Act"*, we understand that there has been no revocation of the part of the 1949 National Parks etc. Act allowing the creation of roads used as public paths. It is apparently possible for tracks to be classified (or even re-classified) roads used as public paths after the county concerned has completed its Special Review; and there is then no way in which they can thereafter be re-classified. Nor is there any provision for classifying lanes as byways, except by first making them roads used as public paths and then proceeding with the Special Review so that, after the Review is completed, lanes can no longer become byways.

2.27. Other legislation. The choice of classification does not prevent the imposition of traffic regulations restricting traffic, so it is possible to make restrictions on vehicular traffic yet still give local farmers a right of vehicular access; or to classify a lane as a byway but ban vehicular traffic. The Road Traffic Regulation Act 1967, Section 1 (as modified by Section 126 of the Transport Act 1968; Section 32 of the Countryside Act 1968; and Schedule 19 paragraph 7 of the Local Government Act 1972) allows a county council to make a traffic regulation order

> *"for the purpose of conserving or enhancing the natural beauty, or affording better opportunities for the public to enjoy the amenities of the area, or recreation or the study of nature in the area ... in, or adjacent to, or contiguous with:*
>
> *a. a National Park;*
>
> *b. an area of outstanding natural beauty;*
>
> *c. a country park;*
>
> *d. an area where the Countryside Commission are conducting a special project or scheme;*
>
> *e. a long-distance route;*
>
> *f. a nature reserve or area of special scientific interest;*
>
> *g. land belonging to the National Trust which is held by the Trust inalienably."*

2.28. Section 212 of the Town and Country Planning Act 1971 allows a local planning authority to extinguish vehicular rights over any road in an area where they adopt by resolution a proposal for improving the amenity of the area. (This is usually applied in urban areas, e.g. for creating pedestrian precincts.) An interesting precedent in traffic orders on unsurfaced county roads is being established in Northumberland, where it is proposed to restrict traffic from an unclassified road; but with exemptions from the order for agricultural vehicles, commercial fishermen, coastguards, rescue vessels, vehicles carrying the disabled, and motorcyclists. If successful, this procedure may well provide a way whereby most four-wheeled vehicles can be kept off lanes still open to motorcyclists. Highway authorities may take into consideration any proposed orders when classifying roads used as public paths as byways (or bridleways), so the risk of demands to make up a byway to a standard suitable for all traffic is minimised.

2.29. One further method of saving public money on a road other than a trunk road, special road, footpath or bridleway is available. Section 50 of the Highways Act 1959 allows highway authorities to apply to a magistrates' court for an order declaring that a highway maintainable at public expense but unnecessary for public use shall cease to be maintained at public expense. It will therefore be deleted from the list of *"highways maintainable at public expense"* so public rights of passage may be difficult to prove, but they will not cease to exist; and Section 51 allows the magistrates' court to direct that the highway shall again become maintainable at public expense if changing circumstances so dictate.

2.30. Responsibility for maintenance of green lanes. Highway authorities have expressed reluctance to re-classify roads used as public paths as byways open to all traffic, fearing that classifications which make vehicular rights on publicly repairable highways obvious will result complaints about the state of the road, as very few roads used as public paths are suitable for ordinary private cars. However, Section 3 Part III 9 (5) of the Countryside Act 1968 states:

> *"Nothing in this paragraph shall ... oblige a highway authority to provide, on a way shown on a definitive map as a 'byway open to all traffic', a metalled carriage-way or a carriage-way which is by any other means provided with a surface suitable for the passage of vehicles."*

Furthermore, Section 76 of the Highways Act 1971 allows the Private Streetworks Code (whereby the frontagers must pay for making up of a private street before it is adopted by the highway authority) to apply to those roads which became highways maintainable at public expense only as a result of the review of roads used as public paths. In other words, if a road used as a public path which served as an access road to a house or houses is re-classified as a byway, there is no obligation for the highway authority to make up the street in the first instance although, if the street is made up, its subsequent repair is the duty of the highway authority.

2.31. This latitude being understood, maintenance of the surface of green lanes which are public highways is usually the responsibility of the highway authority. Following the Local Government Act 1972, the highway authority for all highways other than trunk roads and special roads is, in England and Wales, the appropriate county council or London borough council, or the Council of the Isles of Scilly. However, under Section 187 (2) of the same Act, the appropriate district council has the option of taking over maintenance of highways maintainable at public expense which are footpaths, bridleways, or urban roads other than classified roads. In a minority of cases, by special enactment or reason of tenure, enclosure or prescription, public highways may be maintainable by other persons (e.g. neighbouring landowners). Also, parish councils have the power (though not the duty), under Section 46 of the Highways Act 1949, to undertake the maintenance of footpaths and bridleways (which may be green lanes) whether or not a public authority or other person has the duty to maintain them. In addition, Section 101 of the Local Government Act allows local authorities to arrange for the discharge of any of their functions by other local authorities, so that county councils may delegate maintenance of any highways to a district or parish council. Any of these obligations may apply to green lanes.

2.32. Landowners have special rights in relation to disturbing the surface of footpaths and bridleways, but not other highways. The National Parks and Access to the Countryside Act 1949, Section 56 (as modified by the Countryside Act 1968, Section 29) gives farmers the right to plough a public footpath or bridleway across the middle of a field (but not a headland path or a road used as a public path). Farmers must 'reinstate' the surface of the path after ploughing but obviously, if a previously well-surfaced track is ploughed up, this will not restore the *status quo*. Since green lanes as defined for this study must have definite

boundaries, they will normally come under the category of headland paths, so should not be ploughed; but there is nothing to prevent a farmer removing the hedges prior to ploughing, or ploughing a lane whose boundaries take the form of low banks or ditches. In all cases, the neighbouring landowner is responsible for the upkeep and trimming of walls, hedges or ditches bordering a highway.

2.33. Private roads. If green lanes are private roads rather than public highways, there are, of course, no obligations to maintain them (subject to certain requirements of access for emergency vehicles). Nor may the public use them of right (unless passing along in order to call on the occupier of property with rights of access along the road). Even so, many private green lanes are maintained by the owner for his own purposes, and the public are sometimes allowed to use these lanes by permission of the landowner. It is often difficult to determine whether in fact this use is of right or by permission; and if twenty years' continuous use as of right can be proved, then the lane may be designated a highway of the class consistent with the use (e.g. byway or road following vehicular use, footpath following use on foot only). If landowners do not want the road so dedicated, there are several ways of making it clear that use is by permission rather than of right, or the use can be made discontinuous by occasionally closing the road to the public.

2.34. Definitional problems. The legal status of individual green lanes is therefore far from easy to determine. Collectively, their status appears to vary in different parts of the country, or according to the interests of those questioned, as demonstrated by correspondence with the bodies listed in Appendix I.

> *"Most of the Green Lanes are currently classified as public footpaths but are claimed by amenity bodies as either bridleways or byways for a future review of the definitive map"* (West Yorkshire Metropolitan Council)

> *"The legal status of 'Green Lanes' is that they are unsurfaced County unclassified roads"* (Gwent County Council)

> *"The term 'Green Lane' is a misnomer but is generally regarded as being an unmetalled road over which public rights of way may or may not exist"* (Cumbria County Council)

> *"When the definitive map was prepared, these lanes were mainly shown as 'roads used as public paths' (RUPPs)"* (Wiltshire County Council)

> *"It is important to distinguish between green lanes, where the freehold is vested in the landowner with exclusive possession and no public rights of access, and on the other hand those where there is public right to use the green lane as a footpath, driftway, bridleway or for vehicular access"* (Ministry of Agriculture, Fisheries and Food)

> *"Where green lanes are public rights of way they are either classified as 'roads used as public paths' or, if they have been reclassified, as byways open to all traffic or as bridleways; it is understood, however, that some green lanes are not rights of way"* (Department of the Environment).

These demonstrate how differing interpretations can further complicate the already very complex legal status of green lanes.

RECREATION AND CONFLICT

2.35. The important of green lanes for recreation lies in the fact that they are unsurfaced and hence unsuitable for ordinary motor traffic. However, unlike narrow paths, they can be used by motor vehicles rugged enough to survive the process, and many green lanes carry private vehicular rights (e.g. for farm access) or public ones (e.g. unclassified county roads). Walkers and horse-riders using green lanes as part (or as an extension) of the footpath and bridleway network may not like to find vehicles, particularly those being used for recreational rather than business purposes. On the other hand, trail riders and those owners of rugged four-wheel drive vehicles who enjoy rough roads would like to have more such places to drive. It must also be recognised that horse-riders and motorcyclists do more damage to the surface of roads (especially if the ground is wet) than will be caused by many times the number of walkers. The review of roads used as public paths has served to emphaaise the conflict between

the different groups using green lanes for recreation. This conflict has been given a great deal of publicity, as all those involved in the debate seek the maximum Press coverage for the cause. Despite this, it is hard to attribute a particular attitude to any particular group, since individuals may emerge in print as spokesmen for particular organisations, expressing views which differ from those officially stated by the organisations. Broadly, the position appears to be as outlined below.

2.36. Walkers. The needs of walkers are most forcibly expressed by the Ramblers Associa which has over 30,000 individual members and 450 affiliated clubs and societies. In brief, the policy of the Ramblers Association is to seek to ban all motor vehicles, except farm vehicles and access traffic, from unsurfaced lanes, leaving them for walkers and horse-riders In 1969, the Secretary of the Ramblers Association wrote:

> *"The Ramblers Association welcomes the decision to reclassify roads used as public paths. As the Gosling Committee implied, most of these ways are not suitable for motor traffic and never have been but their present classification permits them to be used by cars and motor cycles. In many cases this has led to conflicts between the principal users of roads used as public paths, people on foot and horseback, and motorists trying to get away from other motorists and motor-cyclists looking for a rough track on which to test their machines and their skill. Against the latter in particular the R.A., believing that in all parts of the country there should be places where the quiet of unspoiled country can be enjoyed, has conducted a long campaign."*

2.37. However, the same Ramblers Association circular* acknowledges that *"tracks which are no particular interest to walkers but which a Parish Council may be anxious to see kept open f local traffic"* should remain open to motor vehicles. The Association also points out that:

> *"More serious ... are those roads used as public paths, mainly in the south and the midlands, where the trackway may be lost through ploughing if it ceases to be a road. (This is obviously not a problem where the road used as a public path is through non-arable land.) In such cases it is not a simple case of deciding whether one prefers to be chased by motor-cyclists to trudging over ploughed land. Most ramblers would probably prefer the latter. But ploughing - even if suitable walking or riding widths are left - would mean the end of a trackway which has probably existed for hundreds or even thousands of years and, therefore, the loss of something of historic value."*

A later circular (in May 1972) emphasised this problem and explained that *"the local authority may make a traffic regulation order under Section 1 of the Road Traffic Regulations Act 1967, limiting vehicular use to farm and access traffic. This seems much preferable to allowing the highway to be destroyed."*.

2.38. Horse-riders. Although a few of the walkers interviewed by D.A.R.T. felt horses could cause almost as much damage to the surface of lanes as could motorcyclists, and even frighten passing walkers, most walkers contacted felt that horse-riders had as much right as walkers to use green lanes (unless they were footpaths); and that downgrading of all lanes to footpaths was unrealistic. Horse-riders obviously are concerned that roads used as public paths and green lanes open to horse traffic continue to be available to them. The British Horse Society feels that paragraph 9 (1) (c) of Schedule 3 of the Countryside Act 1968, whereby a road used as a public path may be re-classified as a footpath, only applies when a statutory closure or diversion order has been made in relation to bridleway rights but not footpath rights, since the last review of the definitive map; or when the road used as a public path is shown on the definitive map by mistake, and only footpath rights can be shown to exist. The success of the Hood case sets a precedent for this interpretation. (R. v Secretary of State for the Environment ex parte Hood - (1975); 3 All E.R. 243.)

* Circular A4/69 to Area Secretaries: Reclassification of Roads used as Public Paths. 7th March 1969.

2.39. At a practical level, horse-riders are less worried than walkers by the muddy nature of a lane which may result from use by motor vehicles, but the vehicle engines may frighten horses. Several horse-riders told the D.A.R.T. Project Officer that motorcyclists usually understood this problem and slowed down or even stopped and turned off their engines when passing a horse; but cases were also reported of startled horses rearing or even bolting after an encounter with a motorcycle. Ploughing of lanes can have serious consequences in certain parts of the countryside, particularly on chalk where flints occur, as horses' legs can be cut by the ploughed-up flints, even after the statutory reinstatement of the path. Like walkers, many horse-riders are also concerned about the aesthetic and historical losses if green lanes are ploughed.

2.40. Pedal-cyclists are legally allowed to use green lanes which are bridleways, roads used as public paths, or public roads, but apparently they do not often do so, as the surface is often very rough or very muddy. However, the Cyclists Touring Club has given its support to *"the aim of maintaining of way character by the maintaining or gaining of byway status"* for roads used as public paths and other green lanes, not only to preserve the scenic value but also to protect these ways from ploughing. Although they urge that motorcyclists take care when passing pedal-cyclists, and be conversant with the possibility of sudden swerves by cyclists on rough roads, pedal-cyclists apparently have little objection to sharing certain lanes with motorcyclists.

2.41. Motorcyclists appear to be the user group most concerned about the possible downgrading of roads used as public paths and of *"little-used county roads"* as proposed in Devon. Representatives of the Trail Riders Fellowship and the Auto-cycle Union/British Motor-cyclists Federation point out that, although there are about 100,000 miles of footpath and bridleway in the United Kingdom, there are only about 3,000 miles of green lane with vehicular rights which off-the-road motorcyclists are able to use (although some lanes which were once - and therefore in their view should still be - public highways open to vehicles are not recognised as highways at all, and others are classified as bridleways).

2.42. A growing interest in trail riding, with the efforts of a very active Rights-of-way Officer, has meant that the Trail Riders Fellowship is now making successful claims to classify or re-classify as byways some undesignated or wrongly designated roads. According to the precedent set by the Mason case (Suffolk County Council v Mason and others, 1978), it is thought that the wording of the National Parks etc. Act 1949 implies that a designated footpath means that the public's rights over that path are on foot and on foot only, unless and until the status is altered as a result of subsequent review of the map. However, in the case of bridleways and roads used as public paths, the Act states that the designation *"shall be without prejudice to any question whether the public had at that date any right of way other than the rights aforesaid"* (the rights of way on foot, on horseback, or leading a horse). It seems to be generally (although not always) accepted that roads used as public paths usually have vehicular rights, but bridleways are not normally interpreted as having these rights. Where bridleways are green lanes, past use as roads (i.e. by carts and other 'vehicles') can often be proved, and the Trail Riders may then claim that the lanes should be re-graded as byways.

2.43. However, until these claims are confirmed, their policy is to be careful to keep to lanes with known vehicular rights (e.g. roads used as public paths, byways, and unsurfaced county roads); and Trail Riders state that their groups are carefully organised to cause minimum inconvenience to other lane users. They always ride well-maintained, well-silenced machines, and allow plenty of room, or even stop, when passing or overtaking walkers, horse-riders, and pedal-cyclists. They regard it as unfortunate that 'cowboy' riders (i.e. motorcyclists not affiliated to the Trail Riders Fellowship or to other reputable clubs or organisations) also use green lanes and may give motorcyclists a bad name by their inconsiderate or even dangerous riding.

2.44. Other vehicles. Drivers of 'recreational off-the-road vehicles' are also beginning to use green lanes which have vehicular rights. So far there are relatively few such drivers and, when taking part in rallys and meets run by reputable clubs such as the All-wheel Drive Association, they apparently cause little inconvenience to other green lane users. However, casual use of green lanes by such vehicles could cause problems in the future.

2.45. Carriage-driving (horses and carriages) is another growing sport which could utilise green lanes. Although only lanes with vehicular rights can be used, there are no noisy engines to which other lane users may object and, so far, very few carriage-drivers appear to use green lanes (if only because the majority of the lanes are too rough and muddy). However, the needs of these users should also be borne in mind when the possible future of green lanes is being considered.

THE RECREATIONAL VALUE OF GREEN LANES

2.46. If differences between users can be solved, however, green lanes could have an increasingly important role to play in countryside recreation. It is difficult to tell how important they are to walkers, riders and pedal-cyclists who are able to use ordinary paths as well; but these groups do obviously make use of green lanes and take pleasure in the wide double-bounded tracks as a pleasant contrast to the narrow paths which make up the bulk of the rights of way system. The importance of green lanes to trail riders and off-the-road vehicle drivers is also obvious and, as these groups cannot use other rights of way (or even as many green lanes as can walkers and horse-riders), they appear less well provided for. (On the other hand, there are considerably fewer people wanting to drive on unsurfaced roads than there are wanting to walk or ride horses at some remove from motor traffic.)

2.47. In very brief summary, the legal right to use green lanes is as follows:

a. Green lanes which are public footpaths may be used by:

   i. walkers as of right;

   ii. horse-riders and pedal-cyclists only by permission of the owner of the land.

b. Green lanes which are bridleways may be used by:

   i. walkers and horse-riders as of right;

   ii. pedal-cyclists (unless restricted by a local bye-law), also of right;

   iii. motorcyclists, drivers of other motor vehicles, and carriage-drivers, only by permission of the owner of the land.

c. Green lanes which are public highways (including byways, unclassified county roads, and roads used as public paths) may be used by:

   i. walkers, horse-riders, and pedal-cyclists, as of right;

   ii. motorcyclists, drivers of other motor vehicles, and carriage-drivers (unless restricted by a local traffic regulation), as of right.

d. Green lanes which are private roads may be used by all categories of user only by permission of the owner of the land.

2.48. Walkers benefit, therefore, by the fact that most types of green lane are open to them as of right; but their rights on a high proportion of green lanes (probably most) are shared by other users. Drivers of motor vehicles have the least number of types of green lane open to them as of right (and therefore the shortest mileage). Although they sometimes get permission to use other tracks, green lanes which are county roads, and the relatively fewer roads used as public paths and byways, make up the bulk of the unsurfaced ways open to them. Horse-riders and pedal-cyclists hold an intermediate position, able to use the majority of green lanes but with fewer bridleways available to them than walkers have footpaths. The groups which are less well provided for are well aware of the unequal distribution of rights, but there are fewer horse-riders than walkers; and fewer still motorists wishing to leave the tarred roads. For example, there are about 31,000 individual members of the Ramblers Association and 450 affiliated organisations, but these represent only a small proportion of the people walking in the countryside. The General Household Survey of 1973 estimated that 3.3% of the population aged 16 or more had taken part in long-distance walking (defined as walking more than two miles) in the previous year - over 1,400,000 people (the 1977 General Household Survey puts

the figure at over 20% of the population) - but not all of these would have walked in the countryside. The British Horse Society has about 120,000 members, speaking for an estimated two million riders - but not all of these would ride on green lanes. The Auto-cycle Union/ British Motorcyclists Federation has 5,000 members but only a few are trail riders; while the Trail Riders Fellowship has 600 members in 15 groups, representing an estimated 5,000 trail riders. The All-wheel Drive Club and the Land Rover Club represent an even smaller proportion of green lane users; and the British Driving Federation (for carriage-drivers) is similarly placed.

2.49. However, even allowing that the growth in interest in walking will keep pace with the rapid rise in trail-riding in the past few years, and the proportion of people interested in rights to use green lanes remains the same, the relative number of lanes open to motorists has decreased rapidly and may well continue to do so. This is mainly the result of the Special Review of roads used as public paths, initiated under the 1968 Countryside Act; but tighter highways budgets and increased liability for maintenance also mean that some counties are seeking to make unsurfaced county roads into bridleways or footpaths, for economic reasons. The Trail Riders Fellowship believes that 2,000 green lanes have been closed to vehicular traffic since the 1968 Act, leaving only 3,000 still open to vehicles (although only two counties have completed their Special Reviews). Figures are difficult to check, but D.A.R.T. found nothing to indicate that the Trail Riders exaggerate their problem. For example, at the time of the research:

In Cornwall, it is proposed to re-classify all 370 roads used as public paths as byways (and most have now been so designated).

In Derbyshire, it is proposed to re-classify 500 of the 1,100 roads used as public paths as byways.

In Devon, most roads used as public paths are expected to be re-classified as bridleways.

In Dorset, no roads used as public paths were designated following the 1949 Act (although byways have now been created).

In East Yorkshire, only 10 of the 220 roads used as public paths have been classified as byways.

In Essex, it is proposed to re-classify 70 roads used as public paths as bridleways.

In Lincolnshire, two old counties had completed the Review on handover to the new county, each containing one byway.

In Nottinghamshire, it is proposed to re-classify only 15 of the 300 roads used as public paths as byways.

In Somerset, it is proposed that 90% of roads used as public paths be re-classified as bridleways only.

In West Sussex, 60 roads used as public paths remain, but many green lanes are classed as bridleway or footpath.

In Wiltshire, about half the roads used as public paths seem likely to become byways.

2.50. Although some walkers appear to approve of downgrading, in that they are pleased to have vehicular rights withdrawn from green lanes (it is official Ramblers Association policy to ban all motor vehicles from unsurfaced roads), others are worried that re-grading means the lanes may be ploughed and therefore destroyed (see paragraph 2.37). This certainly seems to be happening in areas where arable farming predominates (such as Lincolnshire and parts of Dorset), whereas in livestock farming areas (such as Devon and Derbyshire), many farmers welcome the double-bounded lanes as a means of controlling both stock and tourists.

2.51. In conclusion, it appears that green lanes have an important recreational value for walkers, horse-riders and motorcyclists and, to a lesser extent, for pedal-cyclists, carriage-drivers and drivers of four-wheel drive vehicles. However, relatively few such lanes are suitable for multiple recreational use, so walkers (who can use all lanes which are public highways) must perforce share a proportion of these lanes with other traffic. Unfortunately, the situation for all the groups mentioned above appears to be deteriorating rather than improving, following the Countryside Act 1968, since many more lanes are now closed to vehicular traffic, and the re-classification may have brought little benefit to walkers and horse-riders (at least in some areas) because ploughing of the lane is then legal. It must therefore be borne in mind that changing the status of a lane may have far-reaching effects, such as destruction by ploughing, or severe damage from vehicular use. To quote the Ridgeway Conservation Conference:

> *"The Ridgeway is irreplaceable. Its significance is not what it was; nor is it now what it may become in the future. As each generation values it for different things, therefore, it rises above individual interest and has just claim to be regarded among national treasures."*

This change in perception of values, between one generation and the next, applies to all green lanes - obviously to lesser degrees but not different in kind.

THE LANDSCAPE VALUE OF GREEN LANES

2.52. The landscape value of green lanes can be considered from several points of view. To those people passing along them, the lanes themselves may comprise most of the view, for example the green tunnel of a Devon lane; or the view from the lane may be more important, such as the magnificant views from many of the ancient ridgeway tracks. These same lanes may or may not be an important part of the landscape as seen from elsewhere, ranging from the striking feature formed by a double-bounded lane wandering across an otherwise bleak hillside, to the situation where the lane and its boundaries are almost lost in a complex of other walls and hedges.

2.53. Whether viewed from within the lane or from afar, it is the double boundaries of most lanes which are of supreme importance. If walls fall into disrepair, or hedges become overgrown the appearance of the lane viewed from within or nearby is soon affected - but this deterioration is not at first obvious from a distance. However, if one boundary of the lane is removed, much of the impact of the lane as a landscape feature is immediately lost, and it then resembles a headland path: without the traditional boundaries, its aesthetic appeal is almost destroyed. Fences are rarely an acceptable substitute. In some stock-rearing areas, neglected boundaries are 'repaired' with wire; but removal of walls and hedges is usually carried out only in arable areas, so that ploughing can continue to the edge of a lane (or even right across it, if it is a footpath, a bridleway, or a private road).

HISTORICAL AND ARCHAEOLOGICAL VALUE OF GREEN LANES

2.54. The abundance of books dealing with the history of green lanes, together with their limitations, is described in paragraph 2.1. They are valuable guides to the history of green lanes (and other highways), allowing this to be traced in greater detail in some cases. But, as with their landscape significance, the individual importance of most lanes is difficult to assess. Green lanes as representatives of an earlier system of highways are obviously of historical value and some lanes are of extreme historical and archaeological importance; but the value of most lanes was thought by our informants to be limited (although it is quite possible that this is for want of local research in some cases).

2.55. It appears that, since twentieth-century roads (with the exception of some private drives) are usually surfaced, the majority of green lanes are probably considerably older, but had already fallen into disuse by the time hard surfaces became generally adopted. It is usually impossible to ascribe a definite date to a lane: although it can often be proved to have been in existence at the time of particular events, it may well have been in use before that time, all evidence being obliterated by later decline in importance, or subsequent making up. Green lanes of undoubted antiquity and historic importance are typified by the Great Ridgeway, *"the best-loved and best-known of all ancient tracks"* according to Timperley and Brill (21). However, the origins of even this important track are obscure. Although there

is evidence of a route from East Anglia to Devon in 'prehistoric' times, the exact route cannot be worked out, as it almost certainly changed over the years, or even from season to season, to take account of changes in river crossings, settlement patterns and so on. This was probably the case with most roads before enclosed fields became common. Therefore the line of most present-day green lanes may well have been fixed only in the eighteenth century, although many represent much older tracks.

2.56. The straight line and monumental construction of Roman roads makes them easier to trace and parts of some of these form green lanes today. However, these excellent routes have often been partially adapted for modern trunk roads. For example, the Fosse Way can still be traced for much of its length between Lincoln and Exeter, and includes sections of green lane; but it varies in status from trunk road to footpath and, in a few places, totally disappears. Shorter and perhaps more recent roads which are now green lanes may have a local historical significance. For instance, Marsh Lane in Suffolk (the subject of the Mason case) is thought to have been the main road to a small harbour. Often parish boundaries follow green lanes (an indication that the lane is relatively old); and dateable churches, bridges or wayside stones help to fill in the historical background.

2.57. In summary, then, the several archaeologists and historians whom we questioned during the survey confirmed that individual green lanes may be of national historical significance and, as relicts of a pre-existing road system, they are almost all historically interesting. However, the great majority of green lanes are of marginal historic significance to the nation.

WILDLIFE VALUE OF GREEN LANES

2.58. The Department of the Environment has asked the Nature Conservancy Council to make a special study of the wildlife value of green lanes, so this aspect was not directly within the terms of reference for this study. The Council produced a draft report on the basis of existing knowledge which emphasises the importance for wildlife of green lanes in intensively cultivated areas such as the East Midlands. The lanes can provide rich hedgerow habitats and (perhaps even more important) include examples of unimproved grassland with a particularly rich flora. Several examples are given in the draft report of lanes whose wildlife value has been much reduced by scrub invasion (sometimes followed by over-zealous clearance), ploughing, spray drift, or physical damage by farm and construction vehicles. There are indications that these valuable grassland habitats can also be destroyed by trampling by walkers and horses; and the Council points out that lanes must be carefully and positively managed to maintain the wildlife value.

2.59. Where green lanes are of outstanding importance for wildlife, there is a procedure for their protection (funds permitting) through their establishment - through the local authority - as Local Nature Reserves; as reserves established by the local Trust for Nature Conservation; or by a management agreement with the owner or occupier (under Section 15 of the Countryside Act 1968). However, shortage of finance has made this procedure somewhat exceptional. If a green lane is declared a Site of Special Scientific Interest, then the Nature Conservancy Council must be notified by the planning authority of any proposed developments; but there is no safeguard from damage by agricultural operations, from increased public pressure, or by neglect. Even if green lanes are not of SSSI status, they may still be very valuable to wildlife in a local context; and local authorities may be notified of this value informally by officers of the Nature Conservancy Council - but, again, damage is not thus automatically prevented.

GREEN LANES AND PRESENT-DAY LAND USE

2.60. In stock-rearing areas in particular, green lanes (whether private roads, public paths or public roads) are often of great value to farmers. They provide access to the tarred road, or to outlying fields and buildings, or are wide enough to take tractors - although not modern harvesting machinery; and the double boundaries and soft surface make them admirable for the movement of animals around the farm. They occasionally have other uses: as tiny enclosures to enable a sick beast to be kept separate from the rest of the herd, or (in the case of sunken lanes) as drainage ditches.

2.61. Landowners and occupiers often find the public using green lanes across their property which are not rights of way. It has been pointed out to us that it is difficult to prevent such use on a lane which is so regularly used by the landowner that he is reluctant to put a gate across it. However, some owners do go to great lengths to stop trespass on green lanes. (Trespass applies to motorcyclists and other drivers of motor vehicles, pedal-cyclists, and horse-riders using footpaths without permission, as well as to anyone on private roads. Users of motor vehicles on a footpath are also committing a criminal offence.) The Forestry Commission does not allow motor vehicles onto green lanes on their land unless they are roads used as public paths, byways, or unclassified county roads; and the Commission would prefer to see all unnecessary motor vehicles barred from forests, for amenity reasons. On the whole, the majority of farmers and landowners appear resigned to the passage of members of the public over rights of way on their land, no doubt feeling that the public are at least confined to some extent if the right of way is a double-bounded green lane. Inevitably some farmers and members of the public behave in an unreasonable manner, and complaints about "farmers with shotguns" and "people leaving gates open" apply to green lanes as well as to other paths. As on other paths, the use of a lane by farmers or foresters may create a muddy or rutted surface, bringing complaints from the public; while landowners accuse users, particularly motorcyclists, of causing significant wear and tear on roads and, in busy holiday areas, to gates and stiles.

2.62. As mentioned in paragraph 1.12, maintenance of green lanes is sometimes a problem from the landowners' point of view. Owners of the adjoining land are legally obliged to trim hedges bordering lanes which are public highways - even footpaths, although the highway authority is responsible for the surface of the highway. It appears that trimming hedges, or maintaining walls, is not seen as onerous where the farmer uses the lane himself or derives some benefit from the boundaries: for example, where the latter keep users of the highway off the farmer's land. However, if the lane is used mainly by the general public, or is not used at all, landowners either resent the time spent on the upkeep of lane and boundaries, or simply ignore the need for it. Thus, when a lane becomes overgrown, it can harbour pests such as rabbits and so provide the farmer with a motive for removing the hedges and ploughing the lane.

EVIDENCE OF LOSS OF GREEN LANES

2.63. 'Ploughing out' of lanes is most common in arable areas where land prices or returns justify the expense of thus gaining a narrow strip of ground. The indications are that most of ploughing out is legal (that is, it is confined to green lanes which are private roads, or to footpaths and bridleways when combined with the removal of both boundaries). However, once one hedge bordering a green lane is removed, the surface is often plougned - even though plough of headland paths is not permitted (see photograph 2); and few farmers give the highway authority 'notice to plough', as required by law. Although in some cases reports from amenity bodies of the threat to green lanes through ploughing out may have been exaggerated, it would appear that many green lanes have been destroyed by ploughing in recent years, particularly in the East Midlands and East Anglia, and in parts of Dorset. (The findings of a detailed study in West Dorset are reported in the next chapter - see paragraph 3.64.)

2.64. We have previously noted that the character of green lanes can be destroyed by hard surfacing. This is usually confined to private roads and not, as yet, very common; but it is probably on the increase as a practice to provide easy access to farmyards for bulk carriers. They can also have that green character destroyed by widening, which removes one hedge and is usually confined to farm entrances from highways. However, it must be appreciated that the majority of tarred roads - other than newly constructed trunk roads, motorways, and urban roads - are just such 'destroyed' green lanes. Little seems to be known about the rate of destruction of green lanes in this manner. Sheer neglect has turned some roads into impenetrable jungles or into watercourses - a problem which seems most severe in the south-west of the country, where the growth of vegetation is rapid and there are few users to complain or to take positive action. As we noted, the constantly rising costs of such work mean that the authority is often not able to carry out all necessary repairs on even tarred roads (let alone little-used green lanes); and farmers are reluctant to clear a lane that is apparently never used. Once a lane is properly cleared, then constant use often keeps it open with only minimal additional maintenance. Most of the user groups questioned during the survey organised occasional or more frequent working parties to clear neglected lanes.

CONCLUSIONS FROM PHASE ONE OF THE STUDY

2.65. It seems from the first stage of the study (talks with appropriate experts) that green lanes do have considerable importance for recreation, as landscape features, as historic features, and as sites for wildlife; and are of great value to the farming community. It was also clear that a lane used intensively by a particular group, such as recreationists, might have its value to another group, such as wildlife conservationists, reduced. The major areas of conflict appear to be between walkers and recreational off-the-road vehicle drivers; and between farmers and practically everyone else.

2.66. The anomalous legal position of green lanes only serves to exacerbate the reported conflicts. It may be quite legal to drive a car along a steep, muddy track, but not even to ride a horse along a broad, well-surfaced lane; or a farmer may plough out one section of a lane - if he first removes both hedges - but must leave other parts of the same lane intact. The 1968 Countryside Act, which was intended to remove one of the anomalies - that relating to roads used as public paths - appears to our informants to have made matters worse, and has apparently resulted in an increased rate of destruction of green lanes. In order to find out exactly how these generalisations concerning the legal position, the type of farming, and the number and attitude of potential lane users in an area have affected the value or the survival of particular green lanes, detailed studies were carried out in a district in each of three counties. The results are described in the next chapter.

MAP 1. The study areas.

Chapter 3 THE PHYSICAL EVIDENCE

CHOICE OF STUDY AREA

3.1. The study areas were chosen to present a contrast in such things as the density of green lanes, their legal status, the type and intensity of recreational use, the type of land use; and to demonstrate particular problems such as ploughing out of green lanes, or user conflict as indicated by a contentious review of roads used as public paths. For the reasons outlined in the next three paragraphs, the areas eventually selected were the District Council areasof the South Hams in Devon, West Dorset, and the High Peak in Derbyshire (see Map 1).

3.2. The highways budget for Devon appeared to be stretched to cover more roads than any other county: consequently, to reduce expenditure, the County Council had recently resolved *"to close or downgrade to bridleways or footpaths, as appropriate, those roads which are currently impassable to normal traffic"* (including the majority of green lanes which are also unclassified county roads). There were also a great many private untarred roads, and the South Hams (see Map 2) provided a particularly dense network of the 'green tunnel' type of lane characteristic of the South West, with massive overhanging hedges. Ancient unbounded moorland tracks also occurred on the Dartmoor edges of the study area. Farmers appeared to make considerable use of green lanes (as in most stock-rearing areas), and ploughing out was thought to be fairly uncommon (although there were many overgrown lanes reported). The recreational use of the lanes was very light except during the summer on the coast, and there seemed to have been little conflict between different recreational groups, or between recreationists and other bodies.

3.3. Dorset was one of the counties where ploughing out of green lanes was reported to be causing great concern, especially on the chalk hills covering the centre of the county. West Dorset (see Map 3) included a large area of chalk, once downland and now almost all under plough. Dorset was also an example of a county which did not create any roads used as public paths following the 1949 National Parks etc. Act. Green lanes which were highways were therefore either footpaths or bridleways or (less commonly) unclassified county roads. Dorset had given some of these latter an official 'green lane' status. Although Dorset's lanes were thought to be more heavily used for recreation than those of Devon, there were comparatively few walkers, horse-riders or trail riders in Dorset, and there had been little conflict reported between them.

3.4. By contrast with both other areas, the green lanes of the High Peak (see Map 4) were very heavily used for recreation. Walkers and horse-riders appeared to be almost constantly at odds with trail riders; and the position whereby some lanes were classified both as rights of way and as county roads exacerbated the conflict. There were also apparent differences of opinion concerning the appropriate status of these green lanes between the highway authority (the County Council) and the Peak Park Planning Board (which carried out and financed most of the work on rights of way). The heavy recreational use of lanes across their land had also occasionally upset farmers. The farmers themselves used the lanes, and few instances of ploughing out of lanes had been reported. The heavy recreational use and harsher climate meant that overgrown lanes were less common than in Dorset or Devon.

FIELD SURVEY

3.5. In each study area, the following research was carried out:

a. identification, from definitive maps and other evidence, of ways which gave *prima facie* evidence of being green lanes;

b. physical inspection and survey of these lanes;

c. simple questionnaire surveys of farmers encountered during survey;

d. simple questionnaire survey of other users encountered during survey;

e. interviews and discussions with

i. local Highways Authorities;

ii. representatives of landowners and farmers;

iii. representatives of recreational user organisations.

The bulk of this chapter is concerned with the physical evidence for the existence, extent, condition, and use of green lanes. The views of farmers and users are discussed, with those of the organisations consulted, in the next chapter.

3.6. Problems of identification. In order to survey the green lanes in each study area they had first to be found, and this presented problems from the outset. Since the definition of green lane used in the study did not correspond to any official designation, no maps were available which showed all, or only, such routes. Representatives of the Trail Riders Fellowship had maps of green lanes open to vehicular traffic for some areas, but private roads, footpaths, and bridleways were not included on these maps. 'Definitive' maps held by local authorities showed footpaths and bridleways (some of which were green lanes), and roads used as public paths (most of which were green lanes). These maps were available for inspection by the public at county and district council offices, as were the maps of other highways maintainable at public expense. Copies of both these maps were made for the whole of the districts to be studied, as it was important to know the status of each green lane encountered (as a practical measure to facilitate inspection, as well as for the study itself). In addition, the 1:25,000 Ordnance Survey maps were consulted (mainly 1st Series but some 2nd Series coverage of South Hams and West Dorset). These showed most lanes, as distinct from paths, with double boundaries but, while they claimed to differentiate between tarred and untarred roads (at least in rural areas), this division proved unreliable on field test. Eventually, therefore, all minor roads, tracks, and paths which might - on the basis of one of the three sets of maps inspected - possibly be green lanes, were checked out on the ground. All lanes coming within our definition (paragraph 1.4) were then examined in detail. In total, these finally numbered 1,408.

3.7. Physical survey. In order to save time and to make sure the data collected were consistent and comparable between the three survey teams used for the project, the survey sheets as shown in Appendix III were used (one being filled in for each lane inspected). Rights of way were surveyed along their full length, but private roads were simply inspected from one (or, if possible, both) end(s), unless they were obviously open to the public, since the amount of time needed to find every owner and ask permission to inspect the lanes was considered prohibitive. 508 private lanes were found to fall within our working definition of a green lane.

3.8. Our surveyors found most of the details required for the survey sheets easy to assess, but they had the following comments to make:

a. 'Apparent use' could not be judged from the number of people encountered, since people were very seldom encountered by the surveyors on the lanes; but it proved quite easy to see on soft patches of ground whether walkers, horse-riders, motorcyclists, pedal-cyclists, farm animals, tractors or whatever had passed along the lane recently (but the footprints of 'recreational' and 'agricultural' walkers could not easily be distinguished).

b. The section on archaeology/history was usually completed after inspecting the lane, using any appropriate maps as available in local libraries, relevant books, reprinted first edition O.S. maps, data gleaned from local people during the fieldwork, and talks with local historians.

c. Assessment of landscape was necessarily subjective, but the breakdown of 'landscape value' into three categories (landscape as seen in and from the lane; the lane as seen from outside as part of the landscape; and the approximate number of people likely to view the lane) made consistent judgments easier.

d. Geology could be assessed with accuracy in the field in the High Peak, but in West Dorset and the South Hams the survey information recorded was later checked against the 1" Geological Survey map.

3.9. If lanes were clearly marked on the Ordnance Survey 1:25,000 map, but were impassable or invisible on the ground, they were considered destroyed and a special sheet was filled in. If an opportunity arose, local people were questioned as to the date and reason for the disappearance of a lane. The surveyors reported that a very thorough search for lanes was made before they were marked as destroyed (as sometimes the entrances of still usable lanes were completely obscured by an overgrown hedge). (See Appendix III for specimen form.)

3.10. In every group of people encountered on or near a green lane, one person was interviewed and the size of the group was recorded. Recreational users were given a formal interview covering their own activities, their opinions of the lane itself, of others using the lane, the legislation relating to green lanes, and (in the case of local people) any green lanes in the locality which were no longer usable. Earlier work by D.A.R.T. has shown that farmers respond better to a general talk than to a formal questionnaire, so the surveyors were asked to use this structure in their approach to farmers, and to fill in a data sheet immediately after talking to the farmer. Thus all interview data were accurately and systematically recorded. The surveyors reported no difficulty in interviewing farmers or other lane users who were encountered; but the number of people met was very low (especially towards the end of the surveys, which took place between August and November). To increase the size of the sample of farmers, the surveyors spent several days knocking on doors of farmhouses adjacent to green lanes - wet days proved especially suitable for this, as farmers were more likely to be found in or near the farm buildings. However, no such simple method could be devised to increase the number of recreational or other users interviewed. (See Appendix III for specimen form.)

3.11. As well as completing a survey sheet for each lane, the exact position of the lanes (numbered to correspond to survey sheets) was also plotted on a copy of the 1:25,000 O.S. map. This later acted as a useful check on many of the details recorded on the survey sheets, such as length, designation, parish, and so on. The lanes were categorised according to use and status as follows:

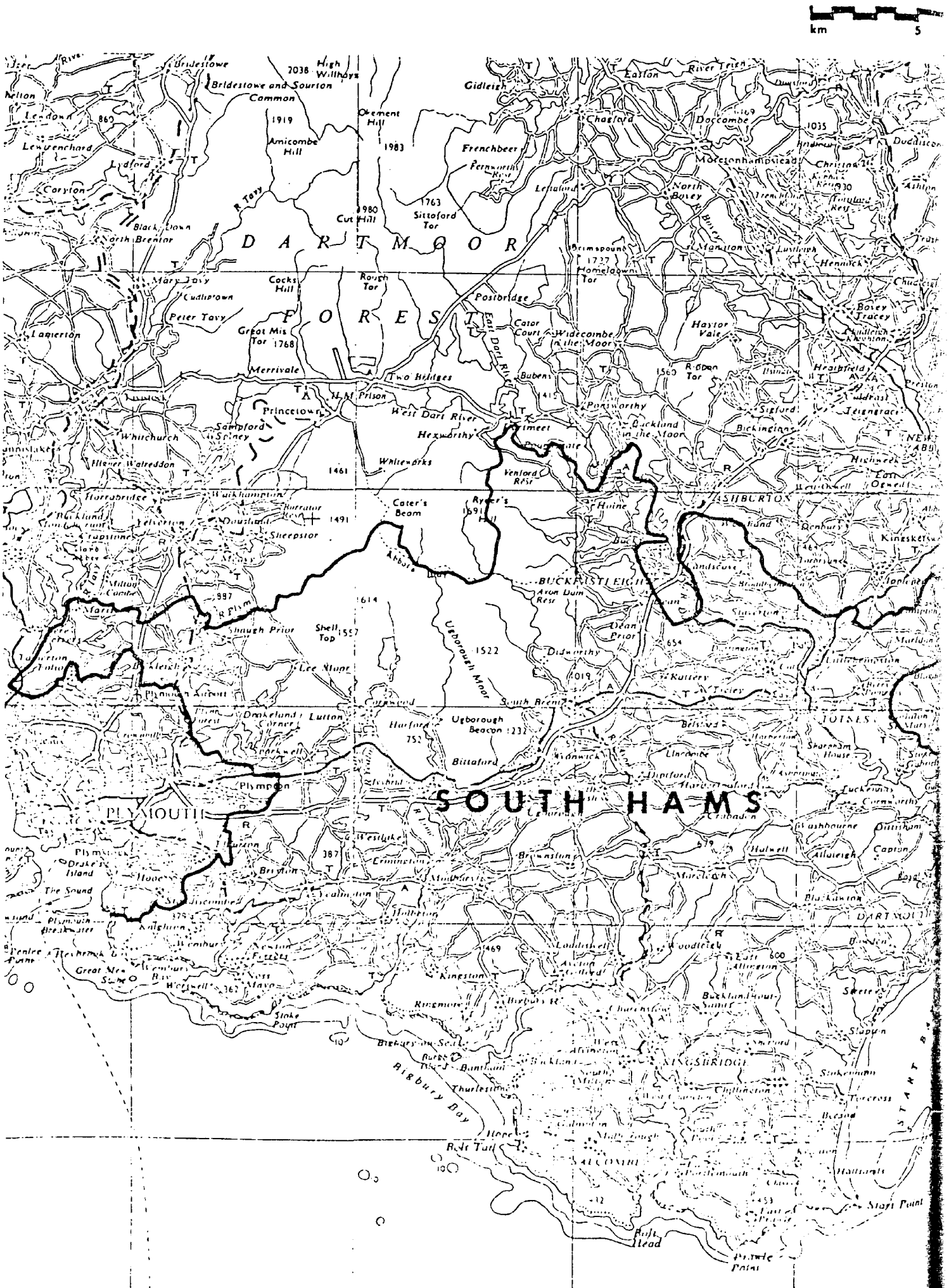
Footpath
Bridleway
Road used as a public path (or cart road/footpath or cart road/bridleway) or Byway
Lane accorded official 'green lane' status (Dorset only)
Unmetalled county road (Dorset only)
Unclassified county road (including paved road in Dorset)
C-class county road
Private trackway apparently normally used by the public
Private trackway apparently not normally used by the public
Line of lane now overgrown, ploughed out, or otherwise lost.

These annotated maps have been deposited with the Countryside Commission.

DISTRIBUTION AND EXTENT OF GREEN LANES

3.12. Tables 2 to 4 show the number and length of green lanes in all parishes in the South Hams, West Dorset, and High Peak districts. The most lanes (673) were found in West Dorset but, on the basis of number or length of lane per unit area, there is a greater abundance of lanes in the South Hams than in West Dorset (588 lanes, averaging 0.66 lanes of 0.40 kilometre length per square kilometre, in the South Hams, compared with 673 lanes, averaging 0.62 lanes of 0.36 kilometre of length per square kilometre in West Dorset). There were considerably fewer lanes in the High Peak (147 lanes, averaging 0.44 lanes of 0.29 kilometre length per square kilometre); but their average length of 1.1 kilometres was greater than the average 0.6 kilometre in (both) the South Hams and West Dorset districts. There was thus a denser network of lanes of similar length in the South Hams compared with West Dorset; and a much sparser network of longer lanes in the High Peak than in either Dorset or Devon.

MAP 2. The South Hams study area



MAP 3. The West Dorset study area

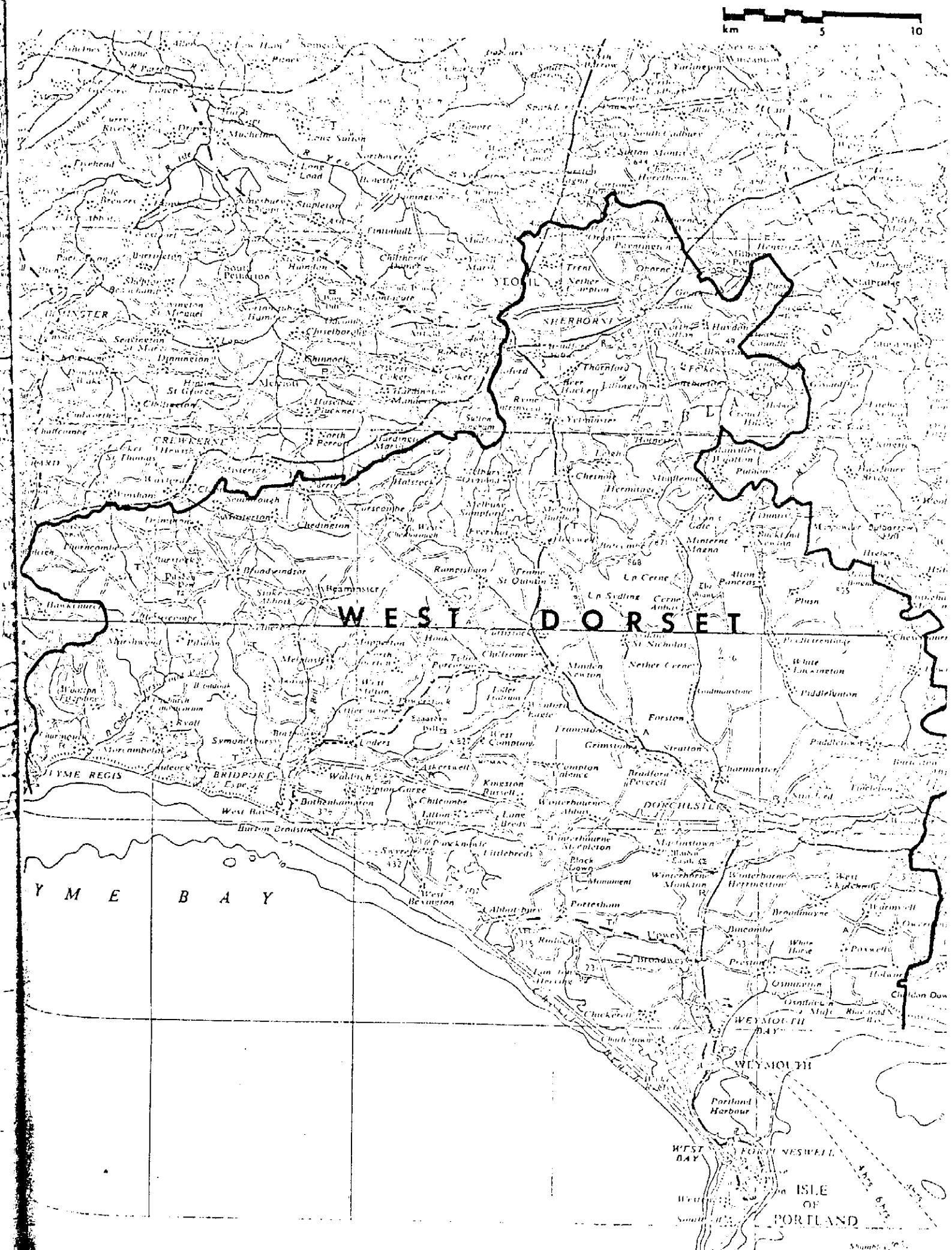


Table 2 NUMBER, LENGTH AND DISTRIBUTION OF LANES IN THE SOUTH HAMS

	*Number of lanes	Total length of lanes (km.)	Average length of lanes (km.)	Km. of lane per km^2
Ashprington	11	6.7	0.6	.74
Aveton Gifford	6	2.7	0.5	.17
Berry Pomeroy	13 1/2	12.0	0.9	.69
Bickleigh	7	5.8	0.8	.26
Bigbury	2	1.1	0.6	.09
Blackawton	9 1/2	5.0	0.5	.25
Brixton	4	1.1	0.3	.08
Buckland-tout-Saints	7	7.3	1.0	.96
Charleton	2	2.9	1.5	.65
Chivelstone	25	12.7	0.5	1.15
Churchstow	6	2.3	0.5	.21
Cornwood	9	5.8	0.6	.14
Cornworthy	13 1/2	6.2	0.5	.58
Dartington	15	6.5	0.4	.52
Dartmouth	2	2.8	1.4	.83
Dean Prior	14	8.0	0.6	.40
Dittisham	8 1/2	6.3	0.7	.52
Diptford	5	4.0	0.8	.20
East Portlemouth	11	7.7	0.7	.96
Ermington	11	5.4	0.5	.27
East Allington	13 1/2	6.7	0.5	.45
Harberton	15	11.0	0.7	.48
Harford	6	2.3	0.4	.17
Holbeton	5 1/2	3.7	0.7	.23
Halwell	14	14.2	1.0	1.50
Holne	14	13.1	0.9	.63
Ivybridge	2	1.8	0.9	.68
Kingsbridge	4	1.8	0.5	.42
Kingswear	12	10.9	0.9	.57
Kingston	2	2.1	1.1	.24
Littlehempston	8 1/2	5.1	0.6	1.0
Loddiswell	13	6.7	0.5	.35
Marldon	9	5.8	0.6	.70
Morleigh	3	1.9	0.6	.39
Modbury	17	5.6	0.3	.24
Malborough	15	5.8	0.4	.36
Newton le Nos	8	5.4	0.7	.29
North Huish	3 1/2	0.8	0.2	.06
Rattery	15	7.8	0.5	.66
Ringmore	1	1.0	1.0	.19
Salcombe	8	5.2	0.7	1.08
Shaugh Prior	9	3.5	0.4	.09
Sherford	2	1.2	0.6	.13
Slapton	18 1/2	9.3	0.5	.68
Staverton	34	19.7	0.6	.93
Strete	2	1.3	0.6	.20
Sparkwell	7	2.3	0.3	.08
Stoke Fleming	9	4.5	0.5	.35
Stoke Gabriel	18	7.0	0.4	.72
Stokenham	23	10.5	0.5	.44
South Brent	13	7.7	0.6	.20
South Huish	9	2.3	0.3	.49
South Molton	8	3.3	0.4	.53
South Pool	0	-	-	-
Thurlestone	2	1.1	0.5	.16
Totnes	4	2.6	0.7	.45
Ugborough	12 1/2	11.9	1.0	.34
West Buckfastleigh	11	5.3	0.5	.29
Wembury	6	7.4	1.2	.48
West Alvington	15	8.8	0.6	.83
Woodleigh	5	4.3	0.4	.40
Yealmpton	9	5.5	0.6	.33
TOTAL 62	588	353.1	0.6	.40
AVERAGE	9	5.7		

Number of lanes	Total length of lanes (km.)	Average length of lanes (km.)	Km. of lane per km^2	Number of lanes per km^2
				0.66

SOUTH HAMS
TOTAL AREA 886.93 km^2

*Where a lane crosses a parish boundary, '1/2' is allocated to each parish

Table 3 NUMBER, LENGTH AND DISTRIBUTION OF LANES IN WEST DORSET

	** Number of lanes	Total length of lanes (km.)	Average length of lanes (km.)	Km. of lane per km^2
Abbotsbury	7	2.7	0.4	.15
Allington	1	0.5	0.5	.15
Alton Pancras	5	4.7	0.9	.51
Askerswell	4	3.7	0.9	.53
Athelhampton	0	-	-	-
Batcombe	3	0.6	0.2	.14
Beaminster	27	10.3	0.4	.49
Beer Hackett	3	1.7	0.6	.45
Bettiscombe	1	0.2	0.2	.08
Bincombe	3	1.3	0.4	.16
Bishops Caundle	4	1.9	0.5	.49
Blandford	0	-	-	-
Bothenhampton	4	1.5	0.4	.39
Bradford Abbas	5	2.0	0.4	.41
Bradford Peverell	2	1.6	0.8	.13
Bradpole	0	-	-	-
Bridport	1	1.0	1.0	.32
Broadmayne	3	4.8	1.6	1.19
Broadwindsor	12 1/2	8.1	0.6	.28
Buckland Newton	12 1/2	6.4	0.5	.37
Burleston	1	2.0	2.0	1.34
Burstock	9	5.2	0.6	1.38
Burton Bradstock	3	1.1	0.4	.09
Castleton	8	7.0	0.8	.35
Cattistock	3	1.1	0.4	.09
Catherston Leweston	1	0.5	0.5	.50
Caundle Marsh	5	2.2	0.4	.57
Cerne Abbas	6	3.7	0.6	.29
Charminster	9	5.9	0.7	.33
Charmouth	0	-	-	-
Chedington	9 1/2	2.6	0.3	.82
Cheselbourne	7	6.7	1.0	.55
Chetnole	5	1.7	0.3	.57
Chickerell	4	1.9	0.5	.14
Chideock	5	4.8	1.0	.60
Chilcombe	0	-	-	-
Chilfrome	4	2.5	0.6	.64
Clifton Maybank	0	-	-	-
Compton Valance	3	7.3	2.4	1.36
Corscombe	5 1/2	7.5	1.4	.36
Dowlish	1	2.6	2.6	.30
Dorchester	0	-	-	-
East Chelborough	1	0.2	0.2	.05
Evershott	1	0.7	0.7	.11
Fleet	4	0.9	0.2	.23
Folke	7	1.9	0.3	.22
Frampton	3	2.2	0.7	.17
Frome St. Quentin	10	6.7	0.7	1.60
Frome Vauchurch	0	-	-	-
Goathill	2	0.7	0.4	.58
Godmanstone	5	5.6	1.1	1.18
Halstock	10	5.3	0.5	.41
Hawkchurch	1	0.4	0.4	*
Haydon	1	0.8	0.8	.42
Hermitage	2	2.0	1.0	.65
Hilfield	0	-	-	-
Holnest	2	1.5	0.8	.16
Holwell	5	0.9	0.2	.09
Hooke	3	1.5	0.5	.30
Kingston Russel	0	-	-	-
Langton Herring	1	0.7	0.7	.18
Leigh	12	8.0	0.7	.97
Leweston	0	-	-	-
Lillington	7	5.3	0.8	.71
Little Bredy	1	0.4	0.4	.06
Litton Cheney	5	3.4	0.7	.41
Loders	15	8.0	0.5	.87
Longbredy	3	2.4	0.8	.17
Longburton	5	1.4	0.3	.33
Lyme Regis	2	1.1	0.6	.22
Maiden Newton	3	1.9	0.6	.16
Malcombe Horsey	0	-	-	-
Mapperton	3	1.1	0.4	.33
Marshwood	5	2.1	0.4	.14

Table 3 NUMBER, LENGTH AND DISTRIBUTION OF LANES IN WEST DORSET - Continued

	**Number of lanes	Total length of lanes (km.)	Average length of lanes (km.)	Km. of lane per km^2
Melbury Bubb	0	-	-	-
Melbury Osmund	6	2.7	0.5	.54
Melbury Sampford	0	-	-	-
Minterne Parva	1	0.7	0.7	*
Minterne Magna	9 1/2	2.1	0.2	*
Mosterton	5	2.3	0.5	.58
Nether Cerne	5	1.6	0.3	*
Nether Compton	9	7.1	0.8	.41
Netherbury	24	12.4	0.5	.49
North Poorton	5	4.7	1.0	1.70
North Wooton	3	1.9	0.7	.70
Oborne	4	1.4	0.4	.57
Osmington	4	1.2	0.3	.13
Owermoigne	5	2.5	0.5	.15
Over Compton	1	0.5	0.5	.18
Piddlehinton	7	9.5	1.4	.80
Piddletrenthide	7	5.0	0.7	.20
Pilsdon	0	-	-	-
Plush	3	1.4	0.5	*
Portesham	7	1.5	0.2	.08
Powerstock	13	7.6	0.6	.45
Poxwell	0	-	-	-
Poyntington	3	1.4	0.5	.34
Puddletown	14	12.8	0.9	.44
Puncknowle	9	6.8	0.8	.71
Purse Caundle	3	0.6	0.2	.09
Rampisham	9	2.6	0.3	.31
Ryme Intrinseca	8	3.5	0.4	.74
Sandford Orcas	4	2.9	0.7	.50
Seaborough	0	-	-	-
Sherborne	6	2.4	0.4	.35
Shipton Gorge	9	4.5	0.5	.76
South Perrott	7	5.9	0.8	1.03
Stanton St. Gabriel	4	1.5	0.4	.36
Stinsford	2	1.0	0.5	.07
Stoke Abbott	10	6.5	0.7	.69
Stockwood	1	0.6	0.6	.21
Straton	0	-	-	-
Stratton	1	0.2	0.2	.56
Swyre	6	2.8	0.5	.61
Sydling St. Nicholas	11	5.6	0.5	.27
Symonsbury	15	3.9	0.3	.26
Thorncombe	11	7.1	0.6	.31
Thornford	12	8.0	0.7	1.34
Tincleton	2	0.4	0.2	.10
Toller Down	2	1.0	0.5	*
Toller Fratrum	2	1.5	0.8	.73
Toller Porcorum	11	5.0	0.5	.39
Toller Whelme	2	0.3	0.2	*
Tolpuddle	3	1.4	0.5	.17
Trent	8	3.0	0.4	.46
Up Cerne	3	3.5	1.2	.76
Warmwell	3	2.7	0.9	.39
Watercombe	0	-	-	-
West Chelborough	2	0.5	0.3	.19
West Compton	2	0.5	0.3	.14
West Knighton	4	2.3	0.6	.25
West Stafford	0	-	-	-
Whitchurch Canonicorum	11	6.8	0.6	.39
Whitcombe	0	-	-	-
Winterborne Came	0	-	-	-
Winterborne Herringston	0	-	-	-
Winterborne Monkton	1	1.6	1.6	.32
Winterborne St. Martin	8	6.2	0.8	.46
Winterbourne Abbas	3	2.2	0.7	.36
Winterbourne Steepleton	3	1.1	0.4	.15
Woodsford	2	0.5	0.3	.07
Wootton Fitzpaine	18	9.4	0.5	.65
Wraxall	4	2.7	0.7	.69
Wynford Eagle	3	1.6	0.5	.22
Yetminster	13	5.7	0.4	.95
TOTAL 126	673	388.4	0.6	.36
AVERAGE	5.3	3.1	-	-

	Number of lanes	Total length of lanes (km.)	Average length of lanes (km.)	Km. of lane per km^2	Number of lanes per km^2
WEST DORSET					0.62
TOTAL AREA					

Table 4 NUMBER, LENGTH AND DISTRIBUTION OF GREEN LANES IN THE HIGH PEAK

	**Number of lanes	Total length of lanes (km.)	Average length of lanes (km.)	Km. of lane per km^2	
Aston	1	0.8	0.8	.28	
Burbage	2 1/2	3.8	1.5	*	
Castleton	8	6.7	0.8	.76	
Chapel en le Frith	14 1/2	14.6	1.0	.38	
Charlesworth	8 1/2	10.6	1.4	.13	
Chinley, Buxworth and Brownside	9 1/2	7.8	0.8	.30	
Derwent	4	6.5	1.6	.38	
Edale	10	7.2	0.7	.25	
Fairfield	2	1.3	0.7	.24	
Glossop	3 1/2	2.4	0.7	.16	
Green Fairfield	8	8.3	1.0	1.53	
Hartington Middle Quarter	1	1.3	1.3	.06	
Hartington Upper Quarter	18 1/2	20.3	1.1	.43	
Hayfield	6	4.3	0.7	.12	
Hope Woodlands	10 1/2	20.2	1.9	.24	
New Mills	13 1/2	16.5	1.3	.77	
Peak Forest	4	1.3	0.3	.20	
Thornhill	4	1.4	0.3	.54	
Tintwhistle	6	14.6	2.4	.23	
Whaley Bridge	6	4.0	0.6	.20	
Wormhill	6	4.3	0.7	.20	
TOTAL	147	157.8	1.1	.29	Number of l per km^2
AVERAGE	7	7.5			0.44

HIGH PEAK
TOTAL AREA 336.51 km^2

*Figure not available
**Where a lane crosses a parish boundary, '1/2' is allocated to each parish

3.13. To see if this distribution of lanes was consistent within each district, the figures for number and length of lane and (in most cases) for kilometre of lane per square kilometre were calculated, and are given for each parish in Tables 2, 3 and 4. In the South Hams, the density of lanes varied somewnat (one parish was without any green lanes at all); a few parishes had less than 0.1 kilometre of lane per square kilometre or more than 1.0; and the majority of parishes had an average density of green lanes of 0.40 kilometre per square kilometre. In West Dorset there were several parishes with no green lanes at all, and other small parishes - for example North Poorton - with a very dense network of green lanes. There were also considerable differences between some of the West Dorset parishes in the average length of lane. By contrast, in the High Peak the average density of lanes was only 0.29 kilometre per square kilometre; but there was less range in density and length between parishes. It seemed that in the South Hams (where heavy soils and dairy farming predominate), the majority of lanes were fairly short and numerous in comparison with the other two districts (Appendix IV, maps ii and iv). In West Dorset the green lanes were relatively short but abundant on the Kimmeridge clay (dairying) areas (map vi); but sparse and long on the chalk downland (map vii). In the High Peak, most areas had a relatively few long lanes (maps x and xii).

THE LEGAL STATUS OF GREEN LANES

3.14. As may be seen from Tables 5 to 7, the proportion of green lanes of each status was also different in the three study areas: for example, 12% of the South Hams green lanes were footpaths, compared to 17% of lanes so classified in West Dorset, and 21% in the High Peak. In the South Hams and High Peak study areas there were lanes which were roads used as public paths, whereas Dorset had no lanes classified as roads used as public paths but did have 2% of byways. These variations appeared, in part at least, to be the result of different interpretations by the highway authorities of the legislation relating to classification of rights of way and roads.

MAP 4 →

MAP 4. The High Peak study area.

3.15. Devon County Council had the relatively small number of 13 rights of way in the South Hams registered as roads used as public paths, following the 1949 National Parks etc. Act. After the Countryside Act 1968, the old Devon County Council had surveyed and proposed possible re-classifications for these lanes, but the proposals were not published before local government reorganisation in 1974 and the process was begun again by the new authority. Draft maps were published and objections received in 1977, and public enquiries have been held; but the Department of the Environment has not yet reported on the findings. Following the Hood case, the authority has agreed to re-classify the majority of lanes as bridleways rather than footpaths, but only one lane (now tarred) has been proposed as a byway, although two bridleways are to become county roads. Several parishes have taken the opportunity of the review to claim new public paths, but since this is a Limited Special Review these claims are out of order.

3.16. Devon County Council has found that green lanes may cause special problems when classified as county roads (as are 33% of the green lanes in the South Hams, including eight C-class roads). One green lane became incorporated into a housing estate (as Archway Close, Kingsbridge) and, being a county road, the highway authority was responsible for making it up to an adequate standard. Another lane (in Avonwick) was cobbled, and a local amenity society felt that these cobbles were being damaged by motorists making casual use of the lane. The County Council therefore made a traffic restriction order, under Section 212 of the Town and Country Planning Act, allowing motor traffic to use the lane only for access to fields and to one house.

3.17. Devon's heavy maintenance obligations for its very large number of highways have prompted the County Council to review the 13,000 kilometres of 'Lightly Trafficked Roads' in the county, including all the green lanes which are county roads (197 in the South Hams). The aim is

> *"a controlled lowering of general standards"* (of maintenance) *"to accommodate the expenditure costs"*;

and it is proposed that

> *"certain roads should be considered for downgrading to bridleway or footpath status or for relinquishment of the obligation to maintain them at public expense, but leaving the right of the public to use them unimpaired".**

So far, detailed proposals for regrading minor roads in two small sample areas (including one in the South Hams) have been made, and these proposals have been put forward for public consultation. The details and reactions of the public are discussed in the next chapter (paragraph 4.20).

* Devon County Council, 'Lightly Trafficked Roads Study'. A report by County Engineer CE8/78: 4th January 1978.

Table 5 THE LEGAL STATUS OF GREEN LANES IN THE SOUTH HAMS

	Number of lanes No.	%	Length of lanes kms.	%	Average length of lanes (kms.)
Footpath	72	12	39.3	11	0.6
Bridleway	42	7	35.9	10	0.9
RUPP	* 6 1/2	1	5.4	2	0.8
UCR	188 1/2	32	123.1	35	0.7
C-class Road	8	1	11.2	3	1.4
Private	271	46	138.2	39	0.5
TOTAL	588	100	353.1	100	0.6

* '1/2' paths result when one green lane has one designation for part of its length and another for the remainder

Table 6 THE LEGAL STATUS OF GREEN LANES IN WEST DORSET

	Number of lanes No.	%	Length of lanes kms.	%	Average length of lanes (kms.)
Footpath	115	17	66.5	17	0.6
Bridleway	214	32	125.9	32	0.6
Byway	15	2	15.1	4	1.0
Green lane (UCR)	38	6	22.1	6	0.6
Unpaved UCR	89	13	63.9	16	0.7
Paved UCR	9	1	6.2	2	0.7
C-class Road	3	1	2.1	1	0.7
Private	190	28	86.6	23	0.5
TOTAL	673	100	388.4	100	0.6

Table 7 THE LEGAL STATUS OF GREEN LANES IN HIGH PEAK

	Number of lanes No.	%	Length of lanes kms.	%	Average length of lanes (kms.)
Footpath	31	21	37.7	24	1.2
Bridleway	18	12	24.9	16	1.4
RUPP	7	5	10.1	6	1.4
UCR	27	18	33.9	22	1.3
FP/UCR	8	5	5.3	3	0.6
BR/UCR	10	7	21.7	14	2.3
Private	46	31	24.2	16	0.5
TOTAL	147	100	157.8	100	1.1

3.18. In Dorset,

> *"no highway was classified in the Provisional and Definitive Maps for this county as a road used as a public path ... because in the uncertainty which prevailed at the time as to the proper legal construction to be put upon the term, the County Council were not satisfied that it applied to any of the ways included in the Definitive Map".**

Although there were apparently no objections to the absence of the classification of road used as public path at the time, it is worth noting that 503 paths were originally claimed by parish councils to be roads used as public paths, or *"carriage roads used as footpaths"*, or *"carriage roads used as bridleways"*. Several of these were claimed to have vehicular rights and thus to have some right to a re-classification as roads used as public paths in 1967, when the first 'quinquennial' statutory review of the definitive map was instituted. This review was interrupted by the Countryside Act 1968, whereby the consultation procedure was amended and a review of roads used as public paths was to be included; and although a survey of potential roads used as public paths was completed by 1972, local government reorganisation caused further delays, so the classifications of some green lanes are still under dispute. On the other hand, in contrast to the Devon review of roads used as public paths, Dorset's is not a Limited Special Review, so some lanes have already been designated 'byways'. It will be recalled from paragraph 2.16.3c that, under Part III of Schedule 3 of the 1968 Act:

> *"Where the special review is not a limited special review, a way which in the opinion of the authority would, but for the provision of this Part of this Schedule, have fallen to be shown, in the definitive map and statement resulting from the special review, as a road used as a public path";*

so, for the purposes of the review, it can be counted as a road used as a public path.

3.19. As noted in the previous chapter, Dorset is also unusual in that its unclassified county roads have been divided into three classes - Paved, Unpaved, and Green Lane. These categories are unofficial and the differences between them are not very clearly delineated, but they are marked as such on the official highways maps available for public inspection. A few unclassified county roads were marked on both the definitive map and the road map, but were categorised as 'Green Lanes' only on the road map.

3.20. Officers from Derbyshire County Council pointed out that, when highways were handed over to the County Council following the Local Government Act of 1929, there were few adequate maps of publicly repairable highways. Officers of the highway authority visited the highways surveyors but nevertheless could not always ascertain which roads were public highways. Later, when parish councils were claiming public paths, following the 1949 National Parks etc. Act, the highways maps were sometimes ignored or, if followed, were not accurate, since they had not been updated. Thus several tracks in Derbyshire were classified as both public paths and county roads. Following the precedent of the Mason case (paragraph 2.42), it has been argued that those tracks which have been classified as footpaths as well as unclassified county roads are rights of way on foot only; but those designated bridleway and county road have the vehicular rights normally applicable to county roads. Several roads currently classified only as bridleways have also been claimed to have vehicular rights, even if they do not appear on the highways maps, since these maps are based on inaccurate findings in 1929.

3.21. Derbyshire County Council has (for financial reasons) been forced to give rights of way a low priority among other county responsibilities, so no first ('quinquennial') review has yet been carried out, and the special review is Limited. 83 roads in the county had been unofficially designated Cart Road Footpaths or Cart Road Bridleways - that is, were of roads used as public paths status - and, although initial survey is complete, no re-classifications have yet been confirmed. Although all districts in Derbyshire have taken on agency agreements for the upkeep of rights of way, the County Council provides the necessary finance, as the highway authority. So little money is available that, in the Peak District National Park, the Park Authority has more finances available for path repair than for non-path green lanes, and usually carries out maintenance of green lanes on this head. (The fact that the Park Authority and the County Council have differing views on path use (and hence on the County Council re-classification of roads used as public paths) is adding to the complexity of the special review.)

* Chairman of Dorset County Council: Personal communication, 18th December 1969.

3.22. Summary. The classification of green lanes therefore varied from place to place and, in addition to those classified as highways, a great many private roads were green lanes by D.A.R.T's definition. The majority of these were farm and field access roads and were, on average, shorter than other green lanes. In the South Hams, most green lanes (in terms of both number and total length) were private roads and, of the others, unclassified county roads formed the great majority of green lanes which were highways, although a few were C-class roads. Private roads were less frequent among green lanes in West Dorset; and most green lanes which were public highways were bridleways or footpaths. Of the three types of unclassified road in that area, 'Green Lane' represented only 6% of all the green lanes found; 13% were 'Unpaved, Unclassified County Roads'; and 1% (nine) were 'Paved County Roads' (which last seems a particularly confusing category). Taking all the areas together (see Table 8), the majority of green lanes were private roads or unclassified county roads, and most of the remainder were bridleways or footpaths. It is significant that roads used as public paths and byways, the categories apparently created to give green lanes a legal standing, comprised only 3.4% of the total length of lane in the study areas, and represented only 2% of the number of lanes.

Table 8 THE LEGAL STATUS OF GREEN LANES IN ALL THREE STUDY AREAS

	Number of lanes		Length of lanes		Average length of lanes (kms.)
	No.	%	kms.	%	
*Footpath	226	16	148.8	17	0.7
Bridleway	274	20	186.7	21	0.7
RUPP	13 1/2	1	15.5	2	1.1
Byway	15	1	15.1	2	1.0
*UCR	361 1/2	26	276.9	30	0.8
C-class Road	11	1	13.3	1	1.2
Private	507	36	250.0	28	0.5
TOTAL	1,418	100	899.3	100	0.6

*The FP/UCR's in High Peak have been counted as footpaths, the BR/UCR's as UCR's (for explanation see text, paragraph 3.19)

'1/2' paths result when one green lane has one designation for part of its length and another for the remainder

THE SUITABILITY OF GREEN LANES FOR RECREATION

3.23. Of the 1,408 green lanes identified in the three study areas, the majority (900) had some sort of public right of access, and the public obviously used a proportion of private lanes with the tacit consent of landowners. In practical terms over the three districts, this meant walkers having rights of use nearly 700 kilometres of unsurfaced road; horse-riders and pedal-cyclists about 500 kilometres; and vehicles about 300 kilometres of such road. As may be seen from the maps of green lanes for sample areas, green lanes hardly constitute a viable network for recreation on their own but, combined with other rights of way and minor tarred roads, interesting recreational routes could be planned along green lanes in at least some parts of all the study areas. However, the surfaces of the lanes were not always suitable for recreational use of these various kinds. Tables 9 to 12 show the usable widths of lanes in the study areas, and Tables 13 to 16 the condition of their surfaces. (These figures exclude lanes which were ploughed out or completely impassable (see paragraph 3.26), and certain lanes which could not be inspected in detail (e.g. most private lanes).)

3.24. About half the lanes examined had a usable width of over two metres (see Table 12), so would be capable of taking vehicles, or of allowing walkers and horse-riders to pass each other easily; but only a minority of lanes could be considered wide enough for four-wheeled vehicles to pass horse- or cycle-riders safely (or, of course, each other). Some lanes (especially in Dorset) had a very narrow usable width - in other words, they were overgrown except for a narrow path suitable only for pedestrians (see photograph 3). These very narrow

lanes were not always footpaths: bridleways and even unclassified roads were often passable only by people on foot. Conversely, some wide lanes (over 5 metres in width) were footpaths. Overall, the designation of the lane seemed to bear no relation to the usable width (not the actual distance between the boundary hedges or fences but the width kept open by traffic or maintenance). The only exceptions were C-class roads, all of which were the conventional width for narrow lanes (about 2 metres).

Table 9 WIDTH OF TRACK IN THE SOUTH HAMS

	Width of usable track in metres											
	0.5 or less		0.6 - 1.0		1.1 - 2.0		2.1 - 3.0		3.1 - 5.0		Over 5.0	
	No.	Length	No.	Length	No.	Length	No.	Length	No.	Length	No.	Length
Footpath	3	1.4	9	4.4	21	10.3	22	15.0	5	2.7	1	0.3
Bridleway	1	1.0	5	3.0	10	11.1	20	15.3	4	3.3	-	-
RUPP	-	-	2	2.2	2	0.5	3	2.3	-	-	-	-
UCR	11	4.3	12	8.4	74	50.6	75	48.7	5	2.6	1	1.2
C-class Road	-	-	-	-	5	6.3	3	3.9	-	-	-	-
Private	10	6.1	4	1.9	61	30.7	122	54.6	27	14.4	-	-
TOTAL	25	12.8	32	19.9	173	111.5	245	139.8	41	23.0	2	1.5
PERCENTAGE	5	4	6	6	33	36	47	45	8	7	1	1

Table 10 WIDTH OF TRACK IN WEST DORSET

	Width of usable track in metres											
	0.5 or less		0.6 - 1.0		1.1 - 2.0		2.1 - 3.0		3.1 - 5.0		Over 5.0	
	No.	Length	No.	Length	No.	Length	No.	Length	No.	Length	No.	Length
Footpath	35	20.2	6	2.7	26	12.6	30	13.7	7	3.6	4	1.4
Bridleway	69	57.1	3	1.4	32	19.6	74	53.7	-	-	8	5.2
Byway	5	3.9	-	-	4	1.8	7	7.2	-	-	1	0.5
UCR green lane	6	2.2	2	1.1	11	7.6	13	10.3	-	-	2	0.7
UCR unpaved	34	26.6	1	0.8	19	16.8	16	14.0	-	-	-	-
UCR paved	2	1.1	1	0.5	3	1.6	-	-	1	0.3	-	-
C-class road	-	-	-	-	1	0.2	2	1.9	-	-	-	-
Private	57	23.2	2	0.3	19	10.3	66	27.1	-	-	1	0.3
TOTAL	208	128.3	15	6.8	115	70.5	208	122.9	8	3.9	16	8.1
PERCENTAGE	36	38	3	2	20	21	36	36	1	1	3	2

Table 11 WIDTH OF TRACK IN HIGH PEAK

	Width of usable track in metres											
	0.5 or less		0.6 - 1.0		1.1 - 2.0		2.1 - 3.0		3.1 - 5.0		Over 5.0	
	No.	Length	No.	Length	No.	Length	No.	Length	No.	Length	No.	Length
Footpath	-	-	-	-	5	1.8	24	25.7	-	-	2	1.5
FP/UCR	-	-	1	1.2	3	2.3	2	1.2	-	-	-	-
Bridleway	-	-	2	1.9	6	7.9	9	12.2	2	2.4	-	-
RUPP	-	-	1	0.5	1	0.6	4	7.2	-	-	-	-
BR/UCR	1	1.0	-	-	3	3.9	8	13.4	-	-	-	-
UCR	1	0.5	-	-	7	7.9	14	17.2	2	2.9	-	-
Private	-	-	-	-	15	7.6	31	14.1	1	0.4	-	-
TOTAL	2	1.5	4	3.6	40	32.0	82	91.0	5	5.7	2	1.5
PERCENTAGE	1	1	3	3	30	24	61	67	4	4	1	1

Table 12 WIDTH OF TRACK IN ALL STUDY AREAS

	Number and percentage of such lanes											
	0.5 or less		0.6 - 1.0		1.1 - 2.0		2.1 - 3.0		3.1 - 5.0		Over 5.0	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
*Footpath	38	19%	16	8%	55	27%	78	38%	11	5%	7	3%
Bridleway	70	28%	11	4%	48	19%	103	42%	6	2%	8	3%
RUPP	-	-	3	23%	3	23%	7	53%	-	-	-	-
Byway	5	29%	-	-	4	24%	7	41%	-	-	1	6%
*UCR	55	17%	16	5%	117	36%	126	39%	8	2%	3	1%
C-class Road	-	-	-	-	6	55%	5	45%	-	-	-	-
Private	67	16%	6	1%	95	22%	219	53%	28	7%	1	0%
TOTAL	235	19%	52	4%	328	27%	545	44%	53	4%	20	2%

* FP/UCR's counted as footpaths; BR/UCR's as UCR's

Table 13 CONDITION OF SURFACE OF GREEN LANES IN THE SOUTH HAMS

	Number and length (in kilometres) of such lanes											
	Smooth		Stony		Muddy		Rough		Rutted		Overgrown	
	No.	Length	No.	Length	No.	Length	No.	Length	No.	Length	No.	Length
Footpath	22	13.2	1	1.3	3	0.7	20	11.1	11	6.7	4	1.1
Bridleway	16	14.5	2	3.7	1	0.7	12	8.9	7	4.7	3	2.2
RUPP	2	0.5	2	1.4	-	-	1	1.6	1	0.8	-	-
UCR	70	48.8	15	11.6	4	1.0	35	19.6	33	24.6	12	6.8
C-class Road	2	1.8	-	-	-	-	4	6.2	2	2.1	-	-
Private	106	48.4	2	1.7	3	2.0	56	28.5	42	19.9	15	7.4
TOTAL	218	127.3	22	19.7	11	4.4	128	75.9	96	58.8	34	17.5
PERCENTAGE	43	42	4	6	2	1	25	25	19	19	7	6

Table 14 CONDITION OF SURFACE OF GREEN LANES IN WEST DORSET

	Number and length (in kilometres) of such lanes											
	Smooth		Stony		Muddy		Rough		Rutted		Overgrown	
	No.	Length	No.	Length	No.	Length	No.	Length	No.	Length	No.	Length
Footpath	35	20.2	7	3.6	6	2.7	26	12.6	30	13.7	4	1.4
Bridleway	69	57.1	-	-	3	1.4	32	19.6	74	53.7	8	5.2
Byway	5	3.9	-	-	-	-	4	1.8	7	7.2	1	0.5
UCR green lane	6	2.2	-	-	2	1.1	11	7.6	13	10.3	2	0.7
UCR unpaved	34	26.6	-	-	1	0.8	19	16.8	16	1.40	-	-
UCR paved	2	1.1	1	0.3	1	0.5	3	1.6	-	-	-	-
C-class Road	-	-	-	-	-	-	1	0.9	2	1.9	-	-
Private	57	23.2	-	-	2	0.3	19	10.3	66	22.1	1	0.3
TOTAL	208	128.3	8	3.9	15	16.8	115	61.2	208	122.9	16	7.8
PERCENTAGE	36	38	1	1	3	5	20	2	36	36	3	2

Table 15 CONDITION OF SURFACE OF GREEN LANES IN THE HIGH PEAK

	Number and length (in kilometres) of such lanes											
	Smooth		Stony		Muddy		Rough		Rutted		Overgrown	
	No.	Length	No.	Length	No.	Length	No.	Length	No.	Length	No.	Length
Footpath	15	13.5	-	-	1	0.7	4	4.1	9	11.2	1	0.4
FP/UCR	3	2.3	-	-	-	-	1	1.2	2	1.2	-	-
Bridleway	7	9.4	-	-	2	2.3	2	2.2	6	7.2	1	1.4
RUPP	5	7.8	-	-	-	-	-	-	1	0.5	-	-
BR/UCR	4	3.7	-	-	2	1.9	1	1.4	4	10.3	1	1.0
UCR	10	9.5	-	-	2	0.8	6	5.3	6	5.1	1	0.5
Private	22	12.5	-	-	2	1.4	11	4.7	10	4.9	-	-
TOTAL	66	58.7	-	-	9	7.1	25	18.9	38	40.4	4	3.3
PERCENTAGE	46	46	-	-	6	5	18	15	27	31	3	3

Table 16 CONDITION OF SURFACE OF GREEN LANES IN ALL STUDY AREAS

	Number and percentage of such lanes											
	Smooth		Stony		Muddy		Rough		Rutted		Overgrown	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
*Footpath	75	37%	8	4%	7	3%	50	25%	52	26%	9	4%
Bridleway	92	38%	2	1%	6	2%	46	19%	87	36%	9	4%
RUPP	7	60%	2	16%	-	-	1	8%	2	16%	-	-
Byway	5	29%	-	-	-	-	4	23%	7	41%	1	5%
*UCR	126	40%	16	5%	12	4%	75	24%	72	23%	16	5%
C-class Road	2	18%	-	-	-	-	5	45%	4	36%	-	-
Private	185	45%	2	1%	7	2%	86	21%	118	29%	15	4%
TOTAL	492	40%	30	2%	32	3%	267	22%	342	28%	53	4%

* FP/UCR's counted as footpaths; BR/UCR's as UCR's

3.25. Thus horses and vehicles may, in practice, be barred from lanes where they have a right to go because of the width of the track available (although green 'lanes' should be wide enough to take some sort of vehicle). Even pedestrians may be put off if the surface of the lane is very poor. As Table 16 shows, although the majority of the lanes examined had a smooth surface, a proportion of the lanes were distinctly rutted (i.e. had deep wheel-ruts) or were rough (with shallow ruts and irregularities making progress difficult - see photograph 1). Smaller proportions of lanes were either very muddy or so overgrown that progress, even on foot, was severely impeded. As with the usable width, the official designation of the lane seemed to make little difference to the quality of the surface, with some C-class roads being rough or rutted and some unclassified roads overgrown, while some footpaths, bridleways or private roads were smooth and suitable for all kinds of traffic.

3.26. In addition, some lanes had been physically damaged, either ploughed out or totally overgrown. These ploughed-out lanes could, in many cases noted, still have been used by most pedestrians and riders (and some vehicle users), but with difficulty; and lanes were not therefore counted by the surveyors as 'destroyed' unless they were physically indistinguishable from the surrounding fields or were unusable by even the most determined walker. 90 lanes were found to be ploughed over, and a further 29 lanes were so overgrown as to be physically impassable (see Table 31).

3.27. The natural growth of vegetation and the state of the surface of the road must, therefore, keep some users off green lanes which they are entitled to use. Apart from this neglect, however, note was made of any deliberate obstructions; but only a few cases were encountered. Occasionally (in roughly 2% of cases), locked gates or wire fences were encountered on county roads or bridleways, or gates had to be climbed along footpaths. Signs saying 'Private - Keep Out', 'No Right of Way', or similar were found at the entrances to about 25 of the 901 lanes with public rights of access. Usually there were no signs at all at lane entrances, and it was often difficult to judge the exact route of a right of way which began at a farmyard or ran beside a private house. In places local parishes, amenity societies or the highway authority had been conscientious in marking footpaths and bridleways where they left tarred roads (and unmarked county roads were sometimes signed 'bridleway'). However, in the major part of all three districts examined, there was no obvious indication whether or not green lanes were public rights of way; and the status of such lanes could not be determined with certainty without prior study of definitive and highways maps.

EVIDENCE FOR RECREATIONAL USE

3.28. Although 715 kilometres of green lane were walked during the study - 560 kilometres with public access rights - surprisingly few users were encountered by the surveyors. It is true that the bulk of the surveying was done on weekdays, and work was completed in November, when few recreational users might be expected; but even on August Sundays (when some surveying took place) very few users of lanes for recreational purposes were encountered. Tables 17 to 20 record the number of people met on lanes of various categories.

3.29. Most of the recreational users of green lanes encountered were walkers (see photograph 3). These were categorised (on the basis of appearance) into short-distance walkers (wearing light shoes, often carrying picnic paraphernalia), and long-distance walkers (wearing boots, carrying rucksacks and with a determined gait). In the South Hams and Dorset, by these criteria most users were short-distance walkers, including people using green lanes to walk from a car park to a beach. In Derbyshire, short-distance walkers were quite common, but serious (long-distance) walkers were more plentiful. In all three districts horse-riders, pedal-cyclists and motorcyclists (see photographs 4 and 9) were infrequent, and no private cars (photograph 1 shows a surveyor's car) were encountered on any green lanes. (The 'other use' in Derbyshire comprised four boys on a school run, three geologists going to collect specimens, and three foresters walking to a plantation.) Local people going about their business were noted separately from the other users, as they lived or worked at places which could only be approached by using the lane on which they were met. They included farm workers going to work, housewives carrying home shopping, and people standing on a lane by their garden gates to "let the dog out" (or simply to observe the surveyors). Farmers also made use of green lanes but this is discussed in paragraph 3.58.

Table 17 NUMBER OF LANE USERS ENCOUNTERED IN THE SOUTH HAMS

	Length of lane walked (kms.)	Walkers (short distance)	Walkers (long distance)	Horse riders	Pedal cyclists	Motor cyclists	Other use	Locals on business
Footpath	38.3	11	3	-	-	-	-	4
Bridleway	35.1	5	-	-	-	1	-	-
RUPP	4.6	-	-	-	-	-	-	-
UCR	120.3	10	-	3	-	-	-	1
C-class road	11.2	1	-	-	-	-	-	-
Private road	65.5	3	-	-	-	-	-	-
TOTAL	275.0	30	3	5	-	1	-	5
PERCENTAGE		68	7	11	-	2	-	11

Table 18 NUMBER OF LANE USERS ENCOUNTERED IN WEST DORSET

	Length of lane walked (kms.)	Walkers (short distance)	Walkers (long distance)	Horse riders	Pedal cyclists	Motor cyclists	Other use	Locals on business
Footpath	61.0	1	-	-	-	-	-	1
Bridleway	106.4	6	-	3	-	-	-	1
Byway	14.6	3	-	-	-	-	-	-
UCR	88.6	3	-	-	-	-	-	-
C-class road	2.1	-	-	-	-	-	-	-
Private road	34.4	1	-	-	-	-	-	-
TOTAL	307.1	14	-	3	-	-	-	2
PERCENTAGE		74	-	16	-	-	-	11

Table 19 NUMBER OF LANE USERS ENCOUNTERED IN HIGH PEAK

	Length of lane walked (kms.)	Walkers (short distance)	Walkers (long distance)	Horse riders	Pedal cyclists	Motor cyclists	Other use	Locals on business
Footpath	37.7	-	-	-	-	-	4	1
FP/UCR	5.3	-	-	-	-	-	-	-
Bridleway	24.9	12	6	-	-	-	-	-
RUPP	10.1	1	-	1	-	4	-	
BR/UCR	19.1	13	45	-	-	-	3	-
UCR	28.3	3	9	-	1	-	3	-
Private road	7.6	-	-	1	-	-	-	-
TOTAL	133.0	29	60	1	1	4	10	1
PERCENTAGE		27	57	1	1	4	10	1

Table 20 NUMBER OF LANE USERS ENCOUNTERED IN ALL THREE AREAS

	Length of lane walked (kms.)	Walkers (short distance)	Walkers (long distance)	Horse riders	Pedal cyclists	Motor cyclists	Other use	Locals on business
*Footpath	142.3	12	3	-	-	-	4	6
Bridleway	166.4	23	6	3	-	1	-	1
RUPP/Byway	29.3	4	-	1	-	1	-	-
*UCR	256.3	29	54	3	1	-	6	1
C-class road	13.3	1	-	-	-	-	-	-
Private road	107.5	4	-	1	-	-	-	-
TOTAL	715.1	73	63	8	1	2	10	3
PERCENTAGE		44	38	5	1	1	6	5

3.30. Since so few people were actually met on lanes during the survey, surveyors were asked to record all traces of past use, such as tyre tracks, footprints, or hoofprints, to get more idea of the type of user, if not the quantity of use. Tables 21 to 24 show the number of lanes with evidence of past use of various kinds. The totals exceed 100% since a lane may show evidence of more than one type of use; some lanes were apparently unused. About half the lanes appeared to have been used by walkers. Possibly the majority of these were using the lanes for recreation, although farm workers and people on business left similar footprints, so were included in the total, and it is therefore difficult to tell. About one-third of the lanes had been used by horses (for which we assumed riders also); again, the majority of these probably used the lanes for recreation but there was evidence of occasional use of horses on green lanes for business, such as rounding up cattle. Evidence of 'farm traffic' included the prints of sheep and cattle, tractor tracks, etc., and over half the green lanes examined showed such signs of use. Motorcyclists and pedal-cyclists appeared to have used only a minority of lanes immediately prior to the surveys. (The 'other' category here includes car and lorry tyre tracks, evidence of construction traffic and so on, other than traffic associated with farming activities.)

3.31. Farm traffic is, of course, allowed to use footpaths and bridleways on the owner's farm, as well as lanes with vehicular rights; but, on the visual evidence, motorcyclists and pedal-cyclists had also used footpaths and bridleways. As noted in paragraphs 2.47 and 2.61, pedal-cyclists have a right to use bridleways, and both pedal-cyclists and motorcyclists may use footpaths and bridleways with the permission of the owner. However, evidence of cyclists (motor and pedal) was more often found on unclassified county roads, presumably because pedal-cyclists found these to have a more suitable smooth surface, and because motorcyclists do respect the law regarding footpaths and bridleways. Private roads are very often used for farm traffic (especially in Devon, where 205 of the 271 such roads showed evidence of agricultural use). Although other traffic can only use these lanes with the permission of the farmer, this appears quite often to have been given to walkers and, to a lesser extent, to horse-riders, pedal-cyclists and motorcyclists. Cars, lorries, and construction vehicles (other than vehicles visiting farms) appeared only occasionally to use green lanes but, when they had done so, they used lanes of most designations.

3.32. The evidence on the ground therefore points to an extensive use of green lanes by many types of traffic, although the low number of users actually met indicates that this use may be relatively infrequent. Farm traffic (vehicles and animals) made particularly frequent use of the lanes, and there was occasionally other business use. Walkers - taking short strolls and longer walks - were the most frequent recreational users, with horse-riders also apparently finding green lanes of importance. Although motorcyclists (and, to a lesser extent, pedal-cyclists) also made good use of green lanes for recreation, when compared with the use of green lanes made by farm traffic, walkers, and horse-riders, their activities were insignificant.

Table 21 NUMBER AND LENGTH (IN KILOMETRES) OF LANES APPARENTLY USED FOR VARIOUS PURPOSES IN THE SOUTH HAMS

	Total lanes		Walkers		Horses		Farm traffic		Pedal cyclists		Motorcyclists		Other	
	No.	length	No.	length	No.	length	No.	length	No.	length	No.	length	No.	leng
Footpath	72	39.3	51	27.2	11	7.9	41	25.7	-	-	1	0.5	-	-
Bridleway	42	35.9	31	30.0	23	23.8	27	23.9	-	-	4	2.6	-	-
RUPP	7	5.4	3	2.8	3	2.8	3	1.4	-	-	-	-	-	-
UCR	188	123.1	100	70.1	91	58.5	104	71.2	4	2.4	12	11.2	1	0.
C-class road	8	11.2	7	8.2	3	4.0	6	6.9	-	-	1	1.0	-	-
Private road	271	138.2	35	23.4	19	17.2	205	92.8	-	-	1	1.4	-	-
TOTAL	588	353.1	227	161.7	150	114.2	386	221.9	4	2.4	19	16.7	1	0.
PERCENTAGE OF ALL LANES			39	31	26	22	65	43	1	-	3	3	-	-

TABLE 22 NUMBER AND LENGTH (IN KILOMETRES) OF LANES APPARENTLY USED FOR VARIOUS PURPOSES IN WEST DORSET

	Total lanes		Walkers		Horses		Farm traffic		Pedal cyclists		Motorcyclists		Other	
	No.	length	No.	length	No.	length	No.	length	No.	length	No.	length	No.	leng
Footpath	115	66.5	93	49.0	25	15.0	80	42.6	-	-	-	-	-	-
Bridleway	214	125.9	144	100.3	125	89.7	93	83.8	3	3.4	5	5.7	-	-
Byway	15	15.1	15	12.4	10	9.7	6	6.2	1	1.9	-	-	-	-
UCR	136	92.2	98	73.4	76	57.8	81	62.5	2	1.8	6	3.7	1	0.
C-class road	3	2.1	3	2.1	2	1.9	2	1.5	-	-	-	-	-	-
Private road	190	86.6	22	9.5	8	4.9	41	15.7	-	-	-	-	-	-
TOTAL	673	388.4	375	246.7	246	179.0	303	211.8	6	7.1	11	9.4	1	0.
PERCENTAGE OF ALL LANES			56	63	36	46	45	54	1	2	2	2	-	-

TABLE 23 NUMBER AND LENGTH (IN KILOMETRES) OF LANES APPARENTLY USED FOR VARIOUS PURPOSES IN THE HIGH PEAK

	Total lanes		Walkers		Horses		Farm traffic		Pedal cyclists		Motorcyclists		Other	
	No.	length	No.	length	No.	length	No.	length	No.	length	No.	length	No.	leng
Footpath	31	37.7	16	20.2	4	3.7	17	17.4	1	0.1	-	-	2	2.
FP/UCR	8	5.3	5	3.9	1	0.5	-	-	-	-	1	0.5	-	-
Bridleway	18	24.9	13	13.0	8	9.7	8	13.1	-	-	2	1.1	1	1.
RUPP	7	10.1	5	7.7	1	0.3	2	6.0	-	-	1	0.3	1	0.
UCR	27	33.9	18	21.9	11	15.3	11	14.3	3	2.4	5	9.3	-	-
BR/UCR	10	21.7	10	17.1	6	12.4	3	8.5	1	4.3	1	4.3	2	2.
Private road	46	24.2	6	5.6	2	1.8	38	16.7	2	1.8	3	2.7	2	2.
TOTAL	147	157.8	73	89.4	33	43.7	79	76.0	7	8.6	13	18.2	8	9.
PERCENTAGE OF ALL LANES			50	56	22	28	53	48	4	5	8	12	5	6

Table 24 NUMBER AND LENGTH (IN KILOMETRES) OF LANES APPARENTLY USED FOR VARIOUS PURPOSES IN ALL THREE AREAS

	Total lanes		Walkers		Horses		Farm traffic		Pedal cyclists		Motorcyclists		Other	
	No.	length	No.	length	No.	length	No.	length	No.	length	No.	length	No.	leng
*Footpath	226	148.8	165	100.3	41	27.1	138	85.7	1	0.1	2	1.0	2	2.
Bridleway	274	186.7	188	143.3	156	123.2	128	120.8	3	3.4	11	9.4	1	1.
RUPP/Byway	29	30.6	23	22.9	14	12.8	11	13.6	1	1.9	1	0.3	1	0.
*UCR	362	276.9	226	182.5	184	144.0	199	156.5	10	10.9	24	28.5	4	4.
C-class road	11	13.3	10	10.3	5	5.9	8	8.4	-	-	1	1.0	-	-
Private road	507	250.0	63	38.5	29	23.9	325	125.2	2	1.8	4	4.1	2	2.
TOTAL	1,418	899.3	675	497.8	429	336.9	809	510.6	17	18.1	43	44.3	10	10.
PERCENTAGE OF ALL LANES			48	55	30	37	57	57	1	2	3	5	1	1

* FP/UCR's counted as footpaths; BR/UCR's as UCR's

LANDSCAPE VALUE OF GREEN LANES

3.33. As several surveyors worked on the green lanes project, an attempt was made to find a clear and simple way to assess the landscape value of the green lanes encountered. Each was 'scored' as 1, 2, 3, or 4, on three counts, as follows:

Intrinsic landscape value
(seen from within)

1 = Rather dull lane, little or no view over surrounding country (photograph 4).
2 = Rather dull lane, good views over surrounding country (photograph 5).
3 = Interesting lane but with little or no views (photograph 3).
4 = Interesting lane with good views (photograph 6).

Value as a comoonent of the landscape around
(seen from without)

1 = Difficult to see from outside (i.e. hidden in valley).
2 = Visible but hard to identify (i.e. to distinguish from tarred roads, hedges, etc.).
3 = Integral part of local landscape (absence would be noticed) (photograph 7).
4 = Obvious landscape feature (dominates local landscape) (cover photograph).

Likely value to the public at large
(seen by how many)

1 = Seen by a few farm workers only (i.e. no public access to viewpoints).
2 = Seen by the public from a path (i.e. lane is public path or can be seen from one).
3 = Seen by the public from a minor (tarred) road (i.e. people driving past can see lane).
4 = Seen by the public from main road or village (i.e. many people see it).

3.34. Table 25 shows the results of this assessment for the three study areas, reflecting the type of lane typical of each area. Green lanes in Devon usually resemble the main roads of earlier centuries: Charles Vancouver, writing in 1808, describes them as follows:

> *"The height of the hedge banks, often covered with a rank growth of coppice-wood, uniting and interlocking with each other overhead, completes the idea of exploring a labyrinth rather than that of passing through a much frequented country."*

This tunnel effect makes the lanes themselves most attractive to walk along (provided the growth of vegetation has been controlled), but makes it difficult to see the surrounding countryside from the lane or, for that matter, to identify the lane itself among other tall hedges when viewed from outside. 71% of South Hams lanes were therefore considered to be 'interesting', but 31% gave virtually no view to users other than the lane itself. The majority of the lanes were difficult to see at all from a distance, or hard to distinguish.

Table 25 LANDSCAPE VALUE OF GREEN LANES

	South Hams		West Dorset		High Peak		Total	
	No.	%	No.	%	No.	%	No.	%
As landscape in themselves								
1. Rather dull, no views	40	7.2	15	2.7	16	10.1	71	5.6
2. Rather dull, fine views	117	21.3	94	16.0	57	40.2	268	20.9
3. Interesting lane, no views	131	23.9	62	10.6	29	20.8	222	17.4
4. Interesting lane, fine views	262	47.5	414	70.7	42	28.9	718	56.1
As landscape in locality								
1. Difficult to see from outside	139	25.2	58	10.0	20	12.9	217	16.9
2. Visible but hard to identify	196	35.7	188	32.1	46	32.5	430	33.6
3. Integral part of local landscape	162	29.5	283	48.4	52	35.8	497	38.8
4. Obvious landscape feature	53	9.5	56	9.5	26	18.8	135	10.6
People who may see lane								
1. A few farm workers only	222	40.3	121	20.6	53	36.5	396	31.0
2. The public from a path	137	24.9	138	23.6	47	32.3	322	25.2
3. The public from a minor road	135	24.6	208	35.6	37	26.4	380	29.7
4. People on main road or in village	56	10.1	118	20.2	7	4.8	181	14.2
TOTAL LANDSCAPE 'SCORES'								
3	18	3.3	7	1.2	1	0.7	26	2.0
4	54	9.8	6	1.2	8	5.5	68	5.3
5	83	15.0	27	4.6	24	16.7	134	10.5
6	78	14.2	53	9.0	32	22.2	163	12.7
7	86	15.6	88	15.0	31	21.5	205	16.0
8	82	14.9	104	17.7	21	14.5	207	16.2
9	63	11.5	114	19.5	11	7.6	188	14.7
10	62	11.3	117	20.0	9	6.3	188	14.7
11	22	4.0	57	9.7	5	3.4	84	6.6
12	2	0.4	12	2.1	2	1.4	16	1.3
TOTAL NO. OF LANES ASSESSED	550		585		144		1,279	
AVERAGE 'SCORE'	7.03		8.40		6.94		7.64	

3.35. In Dorset, although the hedges bordering lanes are often growing on banks, they are usually more modest, and the 'green tunnel' is less common. The lanes themselves are usually extremely attractive (in summer being edges with wild flowers), but fine views over the surrounding countryside could be seen from 87% of the lanes studied in West Dorset. Also, the lanes could be seen better from other vantage points, and were usually considered by the surveyors to form an "integral part of the local landscape". In further contrast, the lanes in the High Peak were often rather bleak, especially on high ground where they were edged only with a low ditch, and the lane edges were grazed. Less than half the lanes studied in Derbyshire were thought to be "interesting in themselves", but most gave magnificant views of the surrounding countryside. They also stood out well in the bare, hilly landscape, and nearly one in five was classed as an obvious (and often spectacular) landscape feature.

3.36. The attractiveness of countryside features is a matter of human values - a function of their enjoyment by people. Therefore an additional aspect of the landscape value of green lanes must be the extent to which they are seen and enjoyed. A rather dull lane may be located where it is used or seen by a great many people, and so have considerable landscape significance to the local population. Thus lanes were also assessed according to their visibility from nearby houses and thoroughfares. All lanes used by the public would be visible to "the public from a path", but many lanes were not open to or not used by the public. However, private lanes might well be seen from adjacent paths, or roads, or even from a nearby village. The lanes studied in the South Hams often seemed to be well hidden from the public gaze, whereas the majority of green lanes in Dorset could be seen from a tarred road. In the High Peak, most of the lanes could be seen by people prepared to walk or ride on them or on adjacent paths.

3.37. Evaluating the lanes surveyed, bringing all these considerations together, is difficult; but some indication of landscape value can be obtained by adding the (admittedly arbitrary) separate numerical scores to each lane, as indicated in paragraph 3.33 above, to give a "total landscape score". These total landscape scores are shown in Table 25. There are obvious crudities in this approach: for example, a lane which is rather dull but from which may be obtained magnificant views of the surrounding countryside may or may not be 'better' than a lane pleasant in itself but allowing no outside views. However, the total scores do show variations consistent with the landscapes in the three study areas, and thus have some validity. Devon lanes 'scored' about 7, because although often particularly pleasant to walk along, the high hedges of the locality restricted views from the lane, and made it difficult to identify from outside; and many were apparently seldom seen by anyone. In Dorset, the lanes were equally interesting in themselves, but a more open landscape meant good views were common and the lanes were a more prominent part of the scenery, visible to more people from the busier roads around. Dorset lanes therefore 'scored' higher than Devon lanes - 8.4 on average. In the High Peak, lanes were often clearly visible to many people from far away, but the less interesting character of at least some of the lanes reduced the 'score' to about 7.

3.38. Therefore, in the South Hams, the landscape character of the lanes is probably usually most important to those actually moving along them. Certainly at least one informed respondent, questions in the South Hams during the study, felt that the double hedge-and-bank boundaries were sometimes claustrophobic, and removal of some hedges might improve rather than detract from the aesthetic value of local lanes. In Derbyshire, the view from the lanes, or of the lanes over the hillsides, is the important factor; and although falling stone walls were regretted, they did not seem to worry the user groups questioned there as much as hedge removal did their fellows in West Dorset. Here the lower hedge heights meant the lanes were attractive, viewed both from within and from without, and permitted more distant views to be seen. Local people there were particularly concerned with 'ploughing out' which destroyed the appearance of the lane from inside and out, and did nothing to enhance the view from the lane (as was sometimes the case in Devon).

3.39. Green lanes therefore play a slightly different role in the landscape of the three study areas, and there is no 'ideal' green lane but a variety. However, although lanes may have a different appearance and effect in different parts of the countryside, it would appear from these three local studies that they do play a consistently important part in the landscape.

HISTORICAL AND ARCHAEOLOGICAL SIGNIFICANCE OF GREEN LANES

3.40. At least some green lanes were felt to be of clear importance in a local - or even national - historical context, but an attempt to determine this historical value more precisely proved difficult. The literature on green lanes (see paragraph 2.1) explains the history of some of the more well-known lanes. In addition, talks were held with local historians and archaeologists, following which a selection of maps held in local libraries was also examined. Further detail on more lanes could probably have been obtained by a careful search for and examination of such historical documents as tithe maps and Enclosure Commission reports but, in the short time available for field study, this was not possible. Observations made during inspection of the lanes (e.g. milestones, depth to which the lane had sunk) also gave clues about the antiquity and past importance of the lanes (see photograph 8), whilst the species counts in hedgerows helped to date the boundaries of hedged lanes (see paragraph 3.45 below).

3.41. While it is certain that Britain was covered by a network of tracks in the Neolithic and Bronze Ages (c. 6000 BC - 500 BC), as is demonstrated by the widespread trade in items such as stone axes, the historians and archaeologists we consulted confirmed that it is impossible to trace the exact routes of such tracks within the study areas, and hence to say that a particular green lane dates from such times. These tracks ran over unenclosed land, and would have changed as they adapted to people's needs: to avoid a rutted section of track or an area flooded in winter, or to pass by a new settlement. Certain pre-Roman roads, such as those running between Celtic fields, may have had fixed boundaries, but none of the green lanes in the study area was known to have been such a route. By contrast, the well-made Roman roads can often be traced today, and two of the green lanes in the High Peak were along Roman roads. However, these roads were few, linking only major settlements (an interesting analogy to modern motorways), with most contemporary local traffic carried by impermanent trackways.

3.42. The changed distribution of settlements and altered pattern of land use following the Saxon invasion of Britain probably had a greater effect on the majority of the road system within the study areas. This network of tracks continued to alter as settlements were founded, grew, or died, although certain special routes, for instance those leading to fords over streams (such as Abbots Way in Devon) or passing through hilly country (such as Snake Pass in the Peak District) have probably remained consistently important. However, although the course of well-used routes was usually readily visible, and changed only slowly, in some places the tracks were so vague that guides were needed. Daniel Defoe, describing a journey in the High Peak in 1726, wrote that there was

> *"neither hedge, house or tree, but a vast howling wilderness, over which when strangers travel, they are obliged to take guides, or it would be next to impossible not to lose their way".*

3.43. Only when fields were enclosed within the study area did roads start to have boundary hedges or walls, and thus a fixed route. The boundaries were to prevent animals from the road straying into the fields, or beasts in the fields escaping onto the road, and hence were built or planted as the surrounding countryside was enclosed. (Lane boundaries are still considered to be the responsibility of the landowner rather than the highway authority.) Usually, enclosure began in the more fertile areas and came later or not at all to poor hill land, so green lanes on the moors and downs remained unbounded, with gates to prevent stock straying onto other lanes - giving rise to place-names like Gone Gate, near Sandford Orcas in West Dorset. Once roads had fixed boundaries, travellers could not alter the route simply by taking a new line, and the pattern of minor roads was much more firmly fixed. Before about 1880 (when tarring of roads began), therefore, most roads in the study areas would have been green lanes by our definition, the exceptions being roads in towns which were paved or cobbled, and roads over open heathland or downland which were unbounded. The majority of these roads were eventually tarred, and the remainder form most of the present-day green lanes. There are comparatively few roads in the study areas - tarred or untarred - with a short history, these being 19th-century toll roads and 20th-century motorways and newly-aligned trunk roads, together with roads serving houses and farms.

3.44. In 1762, the Society for the Encouragement of Arts, Manufacture and Commerce offered a prize of one hundred pounds for every accurate survey of an English county on the scale of one inch to one mile. This was the stimulus for maps of Dorset by Taylor and of Devon by Down, both published in 1765; and of Derbyshire by Burdett in 1767. These all show major and some minor roads (although with a varying degree of detail), and proved useful in ascertaining the recent history of green lanes in the study areas. The first edition of the Ordnance Survey (now reprinted by David and Charles) provided a picture of the lanes in the early and middle parts of the nineteenth century. However, as noted in paragraph 3.40 above, the history of the lanes prior to these maps proved much more difficult to obtain, although a number of physical clues perceived during the fieldwork were noted as possibly indicative in this connection.

3.45. Since lanes did not become green lanes by the definition used in the study until they were bounded on both sides, shrub counts were used to indicate the planting date of the bordering hedgerows. This technique assumes that hedges are planted using one shrub only, and that other shrub species are able to establish themselves in the hedge at a rate of about one every century (17). The formula used was:

(No. of species in 30 yards of hedge x 99) - 16 = Age in years.

It is usual to count several 30-yard lengths in the same hedge but, in this survey, only one sample count was made for one hedge on each lane, the large total number of counts (in Devon and Dorset at least) partly making up for this deficiency.

Table 26 HISTORIC FEATURES ASSOCIATED WITH GREEN LANES

	South Hams	West Dorset	High Peak	Total	%
INTRINSIC HISTORIC INTEREST					
Sunken lane	13	16	6	35	2.48
Ridgeway		6		6	0.42
Roman Road			2	2	0.14
Old Tramway	4			4	0.28
HISTORICAL FEATURES ASSOCIATED WITH LANE					
Barrows		1		1	0.07
Hill forts		3		3	0.21
Lynchetts		1		1	0.07
Mediaeval structures	3	2	3	9	0.64
Old mines	1		7	8	0.56
OTHER HISTORIC SIGNIFICANCE					
Old main road	8	2	6	16	1.13
Parish boundary	19	41	4	64	4.54
APPEARANCE ON OLD MAPS					
**18th century*	36 (6.2%)	215 (31.8%)	20 (13.5%)	271	19.23
***19th century*	516 (87.8%)	543 (80.4%)	140 (95.5%)	1,199	85.09
HEDGEROW DATING (YEARS BEFORE PLANTING)					
(following the formula 83	7	4	16	27	3.13
described in para. 3.45) 182	16	28	7	51	5.93
281	40	78	2	120	13.95
380	80	142	3	225	26.16
479	81	105		186	21.63
578	44	56	1	101	11.74
677	49	28		77	8.95
776	19	18		37	4.30
875	10	12		22	2.55
974	4	1		5	0.58
1,073	3	1		4	0.65
1,172	1			1	0.11
1,271		1		1	0.11
1,370	2			2	0.23
1,469	1			1	0.11
AVERAGE AGE OF HEDGES	490	479	168		

**18th century maps were: Devon, Donn, 1765; Dorset, Taylor, 1765; Derbyshire, Burdett, 1767.*

***19th century maps were: First Edition Ordnance Survey: Devon, 1809; Dorset, 1811; Derbyshire, 1843.*

3.46. Table 26 summarises this readily available information on the history of green lanes in the study areas. In the South Hams, thirteen of the lanes appeared to be sunken (that is, the level was well below that of the surrounding fields), which usually indicates antiquity from the time required for surface erosion to reach this depth. This is not a reliable guide to the age of the lane but, taken with other evidence, was helpful. To take a specific example: lane 20.4 was a sunken lane running down a steep hill and ending at Culliford Bridge (a small packhorse bridge). Beyond the bridge the road was metalled, but a mediaeval cross stood beside the road 200 metres beyond the bridge. The metalled and unmetalled parts of the road were classified as 'C' class, indicating greater importance in the recent past, and the first edition Ordnance Survey map showed it as a major road. All this suggests it was a mediaeval packhorse way which fell into disuse in the nineteenth century because of its steepness and the development of other forms of transport. Two other green lanes in the South Hams (on the edge of Dartmoor) had similar evidence of use at least as far back as mediaeval times. Nineteen lanes in the study area ran along parish boundaries, again usually taken to indicate antiquity as parishes were frequently delineated originally by important ground features (9).

3.47. Down's map of Devon was not ideal for studying the eighteenth century road system, as only the more important lanes were marked - although the turnings to side roads were usually shown in most cases, and the routes of these lanes could sometimes be interpolated. Lanes 19.1, 19.2 and 19.8 are all fragments of what was once apparently the main road between Totnes and Plymouth. Lanes 23.10 and 43.5 formed part of a major route between Totnes and Dartmouth, described by Defoe in 1724: *"From hence"* (Totnes) *"we went south about seven miles (all in view of this river) to Dartmouth"*. Lane 42.2 was the main road from Halwell to Totnes, with evidence from Ordnance Survey maps and local sources showing its replacement by the present main road at about the turn of the century. Many roads around Totnes were apparently abandoned around this time because of their excessive steepness: as William Marshall described them in 1797: *"How steep, straight in the face of the steepest part of the hill"*. Two other lanes in the South Hams were apparently once important but shared a similar fate. Altogether 36 (6.2%) of the present-day Devon lanes were shown on Down's map of 1765, and 516 (87.8%) of the lanes surveyed appear on the first edition of the Ordnance Survey map, prepared by 1809.

3.48. A few Devon green lanes appear to be of fairly recent industrial significance. Lane 28.1 led to a disused (nineteenth century) mine, and 3.8, 3.9, 3.A, and 27.1 were the remains of tramways. Two were marked (as working lines) on the Ordnance Survey map published in 1914, and on lane 3.8 the granite sleepers were still clearly visible.

3.49. Sixteen green lanes in West Dorset appeared to be sunken lanes and, in most cases, other evidence (such as hedgerow counts and early maps) suggested that these lanes were indeed old. Six lanes were ridgeway routes, again often assumed to be old. Although there is no certainty that the exact line of the present route has not changed, hilltop routes were certainly used by Neolithic, Bronze Age, and Iron Age man, so these lanes could be said to have prehistoric origins. One of these lanes passed close to a barrow and also formed part of a parish boundary. Two other lanes ran through barrow fields, but no indications were discovered that they were old. Similarly, three lanes led up to hill forts, but only one which ran right into an Iron Age hill fort was definitely an ancient track.

3.50. Two green lanes in West Dorset led to sites of deserted mediaeval villages, so were probably no later than mediaeval in origin. One may have been considerably older, as the site to which it led showed evidence of settlement during the Roman occupation, as well as in mediaeval and Tudor times, with archaeological evidence including the remains of buildings and sixteenth century artefacts. One Dorset track was bounded by a drystone wall separating it from a presumably contemporary lynchett system, again indicating antiquity, although exact dating was impossible.

3.51. As in Devon, many Dorset green lanes must have been important routes in the more recent past. Taylor's map (of 1765) made no great distinction between minor and major routes, but certain of today's green lanes were obviously then main roads. For example, lane 50.1 formed part of a road marked as a turnpike between Charmouth and Lyme Regis. The 1914 (second) edition of the Ordnance Survey map gave it and the present main road equal prominence, and local people told our surveyors that it was still a main road, at least until fifty years ago. Other green lanes may well have been equally important. Lane 2.1, part of a road once linking Sherborne and Yeovil, was of particular historical importance. During the Civil War, Royalists at Sherborne were surprised by the enemy, who had approached the town by two *hollow ways* (one of which was lane 2.1), and in the ensuing battle Sherborne fell to the Parliamentary army.

3.52. Forty-one of the green lanes examined in West Dorset were contiguous with parish boundaries, and there was good evidence that these were mainly old and important routes. Twenty-five of these lanes were marked on Taylor's map of 1765 (that is, 61% of them compared to 32% of all green lanes found). Most of those not marked on Taylor's map crossed downland which was probably open country in Taylor's time, so it is quite possible that no well-marked road existed, although travellers may well have followed the line of the parish boundary.

3.53. As noted in paragraph 3.41, two Roman roads crossed the High Peak District and both are now, in part, green lanes. One of these ran from Melandra Castle to Buxton and was metalled for most of its length, but a stretch of about 400 metres was untarred, forming lane 7.10. The other ran from the Roman fort at Brough to Melandra Castle, and as lane 10.2 (the Doctor's Gate road) it was of considerable archaeological importance. The original paving of gritstone slabs was very well preserved and formed a most spectacular Roman site, the road being about four metres wide with a raised kerb. The same road passed the site of a mediaeval chapel, so it is very likely to have been an important route long after the Romans left Britain. Some other lanes in the High Peak showed evidence of mediaeval use (including lane 6.1, running to Peveril Castle), but a great many lanes date from the nineteenth century and once led to quarries, mines, and extraction works.

3.54. A number of the green lanes in the High Peak were once important roads, including six of the lanes now converging on Buxton. The steeper routes appear to have been superseded by new and flatter roads in the nineteenth century, as carts replaced pack ponies. The changing road pattern can be traced on Burdett's map of 1767, and the first and subsequent Ordnance Survey maps. Only four of the lanes examined in Derbyshire ran along parish boundaries (and all these lanes had other indications of antiquity). However, the number of nineteenth century changes in the road system of the High Peak suggested that the pattern of lanes was less firmly fixed in this upland area, where unenclosed landscape predominated, than in the South Hams or West Dorset.

3.55. The hedgerow counts suggested that the majority of green lanes in Devon had been hedged by the sixteenth century. This seems quite likely, as enclosure in Devon was far advanced by this date. An earlier wave of enclosure was perhaps marked by the number of hedges dating from about the thirteenth century. The hedges bordering Dorset lanes were (on the whole) slightly less rich in shrub species, and a slightly later enclosure date was suggested, fitting well with documentary evidence. Once lanes were bounded by hedges (especially the massive hedge banks of Devon), the exact routes would have been firmly fixed. Thus the field evidence supports the view that the present minor road systems of Devon and Dorset (including most green lanes) owe much to the mediaeval road system.

3.56. In the High Peak, much lower shrub counts indicated much more recently enclosed roads. As noted, enclosure of this area did not begin until the end of the eighteenth century, and was never completed. The evidence offered by shrub counts may well be exaggerated by the harsh climate and relatively poor shrub flora of this upland area (making invasion of hedges by wild shrub species particularly difficult); and in any case there was a paucity of hedges available to count, since stone walls were the most common lane boundaries. However, there were also indications that the road system here consisted mainly of vague tracks over open land well into the nineteenth century. Therefore some roads may well be as old as those in Devon and Dorset, but the system remained flexible, easily adapted to local needs, for considerably longer, and the physical evidence which accumulates when routes are fixed was thus lacking.

3.57. When hard surfacing of roads began, this started on the most important roads, thus drawing even more traffic away from the minor roads which were then judged as not worth surfacing. Today, green lanes are the exception rather than the rule. Many are of practical value but they also give some idea of what travel by road must have been like before the twentieth century. The current economic stringencies may well mean that some minor roads currently tarred will be less well maintained in future. Whether they revert to being green lanes or (along with untarred lanes) become totally blocked or are removed altogether depends on the demands of the population (as the road system continues to evolve to meet changing requirements); and, of course, on the policy decisions of central and local governments.

EVIDENCE FOR AGRICULTURAL USE OF GREEN LANES

3.58. We noted in paragraph 3.30 above that some of the green lanes examined had an obvious utilitarian function, serving as farm or field access routes or (more rarely) as house drives, or access tracks for quarries and woodlands. Table 27 shows the number of such lanes encountered in the study areas. They make up only a moderate proportion (20%) of all the lanes examined, but since the bulk of the evidence of such use was found on private roads, they comprised more than half of all the private roads surveyed; and when green lanes which are not purely access roads are considered as well, agricultural use appears more important. Tables 21 to 24 show that, in all three study areas, about half the lanes examined showed evidence of use by farm traffic (vehicles or animals) (see photograph 10). This is probably an underestimate of the amount of use farmers make of the lanes, as use by farmers and farm workers on foot or in ordinary vehicles leaves traces indistinguishable from use by the general public.

Table 27 GREEN LANES WITH OBVIOUS UTILITARIAN FUNCTIONS

	South Hams		West Dorset		High Peak		Total	
	No.	kilometres	No.	kilometres	No.	kilometres	No.	kilometres
Field access	83	36.4	56	31.9	16	5.1	155	73.4
Farm access	57	23.2	33	19.9	12	7.7	102	50.8
Woodland track			2	0.3	1	1.9	3	2.2
Quarry access					2	0.9	2	0.9
House drive	10	5.7	2	1.2	4	2.0	16	8.9
TOTAL UTILITARIAN	150	65.3	93	53.3	35	17.6	278	136.2
OTHER LANES	438	287.8	580	335.1	112	140.2	1,130	763.1
TOTAL.	588	353.1	673	388.4	147	157.8	1,408	899.3
Private lanes	271	138.2	191	87.6	46	25.1	508	250.9
Lanes with public rights of access	317	214.9	482	300.8	101	132.7	900	648.4

3.59. Sixty-two farmers who had green lanes on their land were interviewed during the study and, of these, only five said they never used the lanes themselves for access (and one of these used a lane to store machinery). The majority used 'their' lanes daily, and the rest used them quite frequently, at least at certain times of year (see Table 28). There were 66 such lanes, as some farmers had more than one on their land. It seems that green lanes of all designations play a fairly useful role in agriculture and are of significant, if lesser, importance to other primary industries like forestry and quarrying. What is more, as Table 29 shows, a great many of these same lanes are also used by the public (even though quite a lot are actually private lanes). Green lanes are therefore of value for primary industries in the countryside, and the same lanes can have a substantial recreational role. The attitudes of farmers and recreational users towards this dual use are discussed in paragraphs 4.26 to 4.33.

Table 28 FREQUENCY OF USE OF GREEN LANES REPORTED BY FARMERS

	South Hams	West Dorset	High Peak	Total
Every day/all the time	8	7	7	22
Frequently/very often	3	8	1	12
Weekly/quite often	8	7	2	17
Occasionally/varies with season	2	2	3	7
Infrequently	1	2		3
Never	2	3		5
TOTAL	24	29	13	66

Table 29 FREQUENCY OF USE BY OTHERS REPORTED BY FARMERS

	South Hams	West Dorset	High Peak	Total
Every day/all the time	2	3	3	8
Frequently/very often	4	6	6	16
Weekly/quite often	4	8	1	13
Occasionally/seasonal	2	7	2	11
Infrequently	10	4	1	15
Never	2	1		3
TOTAL	24	29	13	66

EVIDENCE OF WILDLIFE VALUE OF GREEN LANES

3.60. Since the Nature Conservancy Council is to produce a separate report on the wildlife value of green lanes and ancient hedgerows, we did not make systematic field measurements to assess such value. However, while counting hedgerow shrubs for dating purposes, and examining the lane surface to establish its condition and any recent use, we did make additional notes on the abundance of other plants, and on the habitat provided by the lane surface. A subjective judgment on the intrinsic value of the lane as a wildlife habitat was also made, both in itself and in comparison with adjacent land.

3.61. As Table 30 shows, the surfaces of the lanes in the study area were, in most cases, of no botanical interest, being composed of stones or mud, but the edges of the lanes were less disturbed and provided a habitat for shrubs, grass and herbs. Where cultivation was intensive, green lanes therefore provided a potentially valuable refuge for woodland edge and grassland species. (For example, some green lanes on limestone and chalk in Lincolnshire are scheduled as Sites of Special Scientific Interest.) The lane boundary provided another wildlife habitat, hedges on banks dominating in the south-western study areas, drystone walls in Derbyshire. On the whole, most lanes were subjectively (and rather roughly) assessed as having a moderate value as wildlife habitats, most others being considered 'high' and a few 'low'. However, 60% of the lanes examined were thought to provide a better habitat for wildlife than the adjacent land, and only 2% (the heavily used lanes) were considered to be poorer than their surroundings in terms of species richness. All this bears out the Nature Conservancy Council's views on green lanes as wildlife habitat, outlined in paragraph 2.58.

Table 30 CONSTITUENTS OF SURFACES, EDGES AND BOUNDARIES OF GREEN LANES

	South Hams %	West Dorset %	High Peak %	Total %
LANE SURFACE				
Stones and gravel	21	24	44	25
Soil and mud	43	39	34	40
Grass or herbs	36	37	22	35
LANE EDGE				
Stones, soil or mud	27	11	2	15
Shrubs	33	49	5	38
Grass and herbs	40	40	93	47
LANE BOUNDARY				
Hedge on bank	59	60	-	51
Hedge	20	23	3	19
Bank	9	10	23	11
Dry-stone wall	7	1	67	23
Ditch	1	2	1	2
Fence	1	3	3	2
Trees	4	1	3	2
LANES AS WILDLIFE HABITAT				
Good	31	33	13	30
Medium	58	59	56	58
Poor	11	8	31	12
SPECIES RICHNESS OF LANE COMPARED TO SURROUNDINGS				
Richer	47	76	30	60
Similar	49	23	69	38
Poorer	4	1	1	2

EVIDENCE OF LOSS OF GREEN LANES

3.62. As described in paragraphs 1.11 and 2.64, green lanes may be destroyed by hard surfacing (in which case they are still passable rights of way); by overgrowth (in which case any rights of way still exist but the lane is impassable, even if visible); and by ploughing out (in which case any rights of way will be retained but the lane becomes almost invisible). Since (as discussed in paragraph 3.43) almost all minor tarred roads are 'destroyed' green lanes, and since (unless it happened within living memory of local people) such destruction is hard to date, no attempt was made to count once-green lanes now tarred. Overgrown lanes were still visible on the ground and were found in exactly the same way as functional green lanes - by searching maps and checking on the ground. Ploughed out green lanes were more difficult to find. Where roads used as public paths, byways, or county roads were marked on the definitive or roads map but were absent on the ground, it seemed reasonable to assume that a green lane had been destroyed since the date of the latest review or updating of the maps (although occasionally such apparent loss may be caused by clerical error in drafting the maps). However, if a lane which was a footpath or bridleway or no right of way at all was ploughed out, its earlier presence could not be confirmed from the road map, or from the definitive map, because many footpaths and bridleways are not green lanes. If a double-bounded track was clearly marked on the 1:25,000 Ordnance Survey map, it was assumed to have existed in the recent past and, indeed, traces of such lanes could still be found by the surveyors. Local people and officials of user bodies were also questioned about destroyed lanes, but their evidence was thought to be not always reliable so, again, physical evidence for the pre-existence of the lane was searched for.

3.63. Unfortunately, this necessarily rather haphazard method of search meant that it was impossible to date disappearances accurately. People's memories were often unreliable and the 1:25,000 Ordnance Survey maps were based in part on 6" sheets, often dating back to the beginning of the century (although some roads and rights of way have recently been revised). However, the majority of lanes marked by our surveyors as destroyed were probably in existence a few decades ago; and quite a few less than one decade ago. It seems probable that the lanes so marked during the survey were an under-estimate rather than an over-estimate of the losses.

Table 31 NUMBER AND LENGTH (IN KILOMETRES) OF GREEN LANES DESTROYED IN THE STUDY AREAS

	SOUTH HAMS				WEST DORSET				HIGH PEAK				TOTAL			
	Ploughed out		Overgrown		Ploughed out		Overgrown		Ploughed out		Overgrown		Ploughed out		Overgrown	
	No.	length	No.	length	No.	length	No.	length	No.	length	No.	length	No.	length	No.	length
Footpath	3	1.0	-	-	10	4.5	2	1.0	-	-	-	-	13	5.5	2	1.0
FP/UCR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Bridleway	1	0.2	1	0.6	15	14.3	7	3.5	-	-	-	-	16	14.5	8	4.1
RUPP	1	0.8	-	-	-	-	-	-	-	-	-	-	1	0.8	-	-
Byway	-	-	-	-	-	-	1	0.5	-	-	-	-	-	-	1	0.5
BR/UCR	-	-	-	-	-	-	-	-	1	2.6	-	-	1	2.6	-	-
UCR	5	1.8	3	1.0	2	1.6	2	1.3	1	1.1	1	4.5	8	4.6	6	6.8
C-class road	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Private	17	6.6	8	4.1	33	11.2	4	1.6	1	1.5	-	-	51	19.3	12	5.7
TOTAL	27	10.4	12	5.7	60	31.6	16	7.9	3	5.2	1	4.5	90	47.3	29	18.1
% OF ALL LANES	4.6	2.9	2.0	1.1	8.9	8.1	2.3	2.0	2.0	3.3	1.0	2.8	6.4	5.3	2.1	2.0

3.64. Table 31 shows the number of destroyed green lanes encountered in the three study areas. In the South Hams, 27 lanes had been ploughed, with one or both hedges removed in most cases, and 12 lanes were so overgrown as to be quite impassable. This represents a loss of 6.6% of the lanes (but only 4.0% of the total length of lane). In Dorset (where recent enclosure of open downland has taken place), far more lanes had been ploughed out (60 lanes, 8.9% of the total number and 8.1% of the total length of lane), while the proportion of lanes overgrown was similar to that of Devon. By contrast, in the High Peak only three lanes were found to have been ploughed out and one lane overgrown, a much lower percentage of the total number (but a high percentage of the total length of paths in the area).

3.65. The majority of the lanes destroyed by ploughing (and a large proportion of those overgrown) were private roads. The owner is entitled to do as he likes with such lanes, and the public have never had the right of access; but loss of these lanes may be harmful in terms of amenity, landscape, and wildlife value. Most other destroyed lanes were footpaths and bridleways. Here, ploughing out is legal provided certain conditions are observed and the public right of way remains; but the lane surface was made less pleasant and less suitable for the legitimate users (especially pedal-cyclists), and the loss of general amenity still applies. However, in all counties, some unclassified roads had been illegally destroyed by ploughing, as had a lane in the High Peak with the dual status of bridleway/unclassified county road, and a road used as a public path in the South Hams.

3.66. Destruction of green lanes by ploughing appeared, therefore, to be widespread in some parts of the two lowland study areas, with overgrowth a lesser - but substantial - problem. Even where ploughing out was illegal, it had occurred; and, once ploughed, the surface of the lane and double boundaries were unlikely to be fully restored. Statutory duties for maintenance of highways which are green lanes also appeared, on occasions, to be ignored; and although these overgrown lanes can be restored more easily than those which have been ploughed out, this neglect may subsequently encourage farmers to destroy an obviously unused highway.

SURVEY METHODS

4.1. The detailed study of green lanes in three areas has shown that similar lanes may be given a bewildering variety of official designations with consequent variety of rights to use, maintenance obligations, and so on; and that they have numerous potential uses which may or may not be compatible with each other. For a number of reasons a substantial reduction in the number and length of green lanes has occurred, and the rate of destruction may well increase over the next decade. In order to find out in the study areas how the people most concerned with local lanes viewed these problems, interviews were carried out with local authorities, landowners and recreational users.

4.2. The technique for interviewing users of green lanes and farmers with lanes on their land has already been described in paragraph 3.10. Sixty-two farmers and sixty-nine lane users were questioned. Local representatives of the main user bodies (Ramblers Association, British Horse Society, Trail Riders Fellowship, and some local amenity societies) were also contacted, as were appropriate officers of the District and County Councils and the Peak Park Planning Board. The views expressed are synthetised in the three sections which follow.

THE HIGHWAY AUTHORITIES

Problems associated with green lanes

4.3. The effects of the different and changing policies of highway authorities on green lanes in the three study areas have already been referred to and are outlined in paragraphs 3.14 to 3.22. The outstanding problems facing all three highway authorities with regard to public paths and minor roads (including green lanes) appear to be:

a. carrying out satisfactory Special Reviews in the face of inadequate earlier surveys, legislation which is not always easy to interpret, and the conflicting demands placed on green lanes by the various types of path or road user;

b. allocating funds from a shrinking highways budget to cover increasingly expensive maintenance of all public highways.

The staff changes following reorganisation, and the fact that roads and rights of way may come under different departments, committees and budgets within each local authority, have obviously increased these problems.

4.4. Attitudes to the Special Review of roads used as public paths varied, but most officers interviewed appeared to see it as a necessary evil, thinking that this classification might help in some cases but that the drafting of the 1949 and 1968 Acts with regard to roads used as public paths was complicated and inadequate. All officers agreed that no satisfactory definition or designation had been made for green lanes; although Dorset had a 'green lane' designation of its own and was thus less concerned about other (similar) lanes in the county which were not so designated.

4.5. Although worried about reports of ploughing out (especially in Devon), and of conflict between motorcyclists and other lane users (especially in Derbyshire), the authorities felt that present legislation - and above all present budgets - would not allow a completely satisfactory solution to these problems. They felt that ploughing out might be reduced by re-classifying all green lanes as byways or county roads, but were worried that additional maintenance obligations might be attached to lanes so classified and, therefore, that they could not risk the extra strain on the authorities' already over-stretched budgets. In the High Peak, green road motorcycling was more of a problem than ploughing out. In all three study areas, the County Councils were sympathetic to motorcyclists using green roads which had vehicular rights (so long as they did not demand that they were made up). On the other hand, staff of the Peak Park Planning Board thought that green road motorcycling was not a suitable activity for National Parks. The dual objectives of National Parks are the preservation and enhancement of natural beauty, and the promotion of their enjoyment by the public; but the Sandford Report (19) made it clear that wherever there is conflict between these aims, the first is to take precedence. Motorcycling in the Peak Park is seen by the Park Authority as an intrusion into the peace of the countryside.

Future plans for the highway system which will affect green lanes

4.6. Devon County Council plans a review of all minor roads in the county, whereby a few are improved so that they take most of the traffic, and the majority are mainteined at a lower level than at present, while others are declared as no longer maintainable at public expense (under Section 50 of the Highways Act 1959); are downgraded to footpath or bridleway; or are closed altogether (under Section 108 of the same Act). Provisional plans have been drawn up for two study areas, including one in the South Hams (see Maps 5 and 6). It can be seen that most of the roads coming within D.A.R.T's definition of green lanes in the area are listed as impassable by the county, although D.A.R.T. surveyors described them as follows:

Lane no.	Description
7.1	Usable width 2 m, gravel surface, used for farm access.
7.2	Usable width 2 m, stones and gravel surface, used by horse-riders and for farm access.
45.3	Usable width 2½ m, smooth surface of close-set stones, used by farm and recreational traffic.
45.4	Usable width 2 m, but deeply rutted, very muddy surface, used by farmers and trail riders.
45.5	Usable width 2 m, slightly rutted grassy surface, used by horse-riders, walkers, farmer.
45.7	Almost overgrown, no signs of use.
45.8	Usable width 3.5 m, smooth, stony surface, used by farmer and for recreation.
45.I	Completely overgrown.
47.7	Usable width 3 m, fairly smooth, used as short cut by local residents.

No decisions have yet been taken as to the future status of these roads, but they are unlikely to be maintained at public expense so, unless used (and therefore kept up) by farmers, they will probably become overgrown or even be ploughed out.

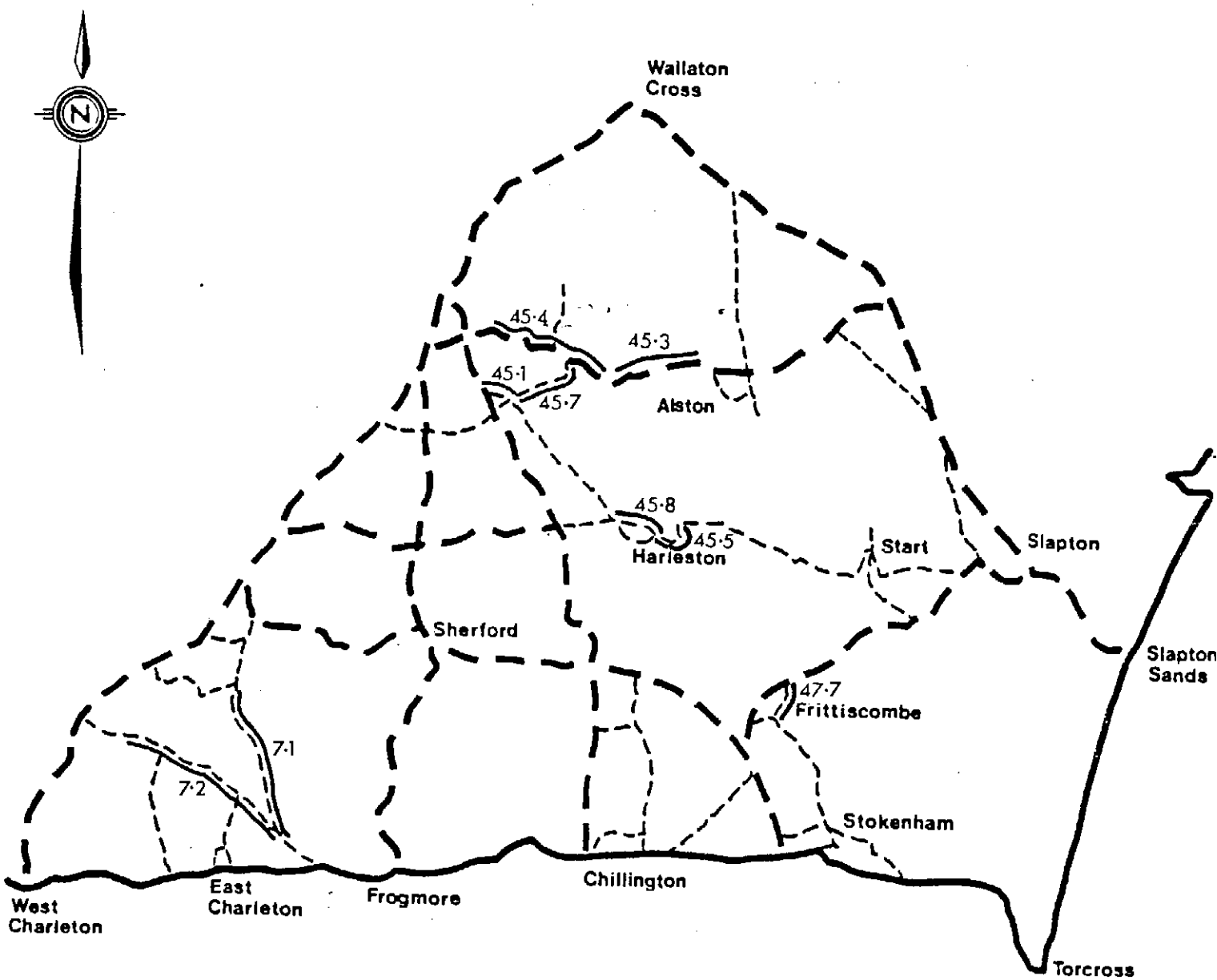
4.7. Officers of Dorset County Council thought that most green lanes were already officially defined, as either 'unpaved unclassified county road', or 'unclassified county road, green lane', and they should remain as such since they were then afforded protection from ploughing. They felt that the dangers from ploughing to green lanes which were public paths (the majority by D.A.R.T's definition) were difficult to eliminate, as it was not feasible to re-classify them as byways unless public vehicular rights could be proved.

4.8. Derbyshire County Council officers were more worried about the effect of reduced maintenance on minor roads and rights of way, including green lanes. Their policy statement explains that *"it is not clear what is the extent of the liability of a highway authority to maintain and repair soft and unmetalled grass droves which are public highways"* but that the Council intends to *"maintain the character of these grass droves as a means for the enjoyment of the countryside"*. Whether or not this means enjoyment from a motorcycle is a moot point, but the County Council's major problem seems to be lack of funds. Some Peak District green lanes were very heavily used and, although pedestrians formed the bulk of the traffic, many tracks were deteriorating faster than repairs could be carried out under the present highways budget. Repairs funded by the Park Authority (which has no statutory duty to carry out such work) do help; but both County Council and Park Authority officers admitted that the of popular paths and tracks had deteriorated over the last few years, and this trend was likely to continue.

4.9. Improvements which might be made. It was quite obvious that, even where highway authorities had every sympathy with the problems of green lane users, a proper system of classification and maintenance could not be initiated unless more staff time and a great deal more money could be made available. This seemed unlikely over the next few years, so the situation would probably deteriorate further, meaning more overgrown lanes and ploughed out lanes in Devon and Dorset, and more erosion from over-use in the High Peak. The officers felt that changes in the legislation relating to green lanes could not prevent such deterioration unless funds from central government were made available to the highway authority to carry out any new duties.

MAP 5. Devon County Council's study area for Lightly Trafficked Roads Scheme in the South Hams.

Existing road network.



KEY

A class roads

B class roads

C class roads

unclassified

(7·2) Green lane by D.A.R.T's definition. (with D.A.R.T's reference number)

Scale 1:50,000
(approx 1¼" to 1 mile)

RECREATIONAL USERS OF GREEN LANES

People interviewed in the lanes

4.10. In order to find out what those people actually using green lanes thought of them, of the standard of maintenance, and of other people using the lanes, a member of every group of people encountered on a lane during the study was interviewed. (The interview sheet is shown in Appendix III.) Of the sixty-nine people questioned, sixty-one thought the lanes they were on were kept in reasonable repair; only one person (a cyclist on an unclassified county road) thought the surface should be made up; and several people specifically said they did not want to see the lane surface improved. Of the remaining seven who complained about the standard of maintenance, four thought the hedges should be cut back more regularly, and three that the muddiest places should be drained. However, the people using the lanes did not seem very clear as to who was responsible for such upkeep. Twenty-eight people had no idea who should do it; ten thought "the council" was responsible; twelve thought the farmer or landowner should carry out repairs; and nine suggested other public bodies such as the Forestry Commission or Water Board. Only a few knew that the bounding hedges or walls were the responsibility of the neighbouring landowner, and that the surface of public paths and county roads should be kept in order by the highway authority.

4.11. Similarly, although a substantial number of those questioned knew roughly what sort of traffic was allowed on footpaths, bridleways, or county roads, few knew exactly how this applied to the lane on which they were interviewed. Of those found on footpaths, seven said they were on a footpath, one thought he was on a bridleway, and one "didn't know". Bridleways seemed more mysterious, as eleven of those met on bridleways had no idea of the grade of the lane, one thought the lane was a footpath, but seven did know that they were on a bridleway. Three people were interviewed on roads used as public paths, with two of these thinking they were on a bridleway, and one (a motorcyclist) knowing that it was "a sort of road". The only person encountered on a byway had no idea of its status.

4.12. Unclassified county roads produced even wilder guesses: five of those people tramping such roads thought they were footpaths, five did not know what they were, one thought the lane "belonged to the National Park", one thought it was a "forestry track", and only two recognised this sort of lane as a county road. The person met on an untarred C-class county road was mystified by the question on its status, and no one encountered on the dual-status unclassified county roads/bridleways so common in the High Peak could give the correct classification: five admitted they "didn't know", five said "bridleway", and four answered "footpath". In view of this confusion, it seems surprising that three of the four people interviewed on private lanes knew that they were on private land and had the owner's permission, and only one "didn't know", having wandered on to such a lane. Obviously, even regular users of green lanes and public paths are confused by the many classifications applicable to green lanes, and the rights and responsibilities that go with them. It is not surprising that the official status of a lane seems to have little importance to the type of user encountered (see paragraph 3.29).

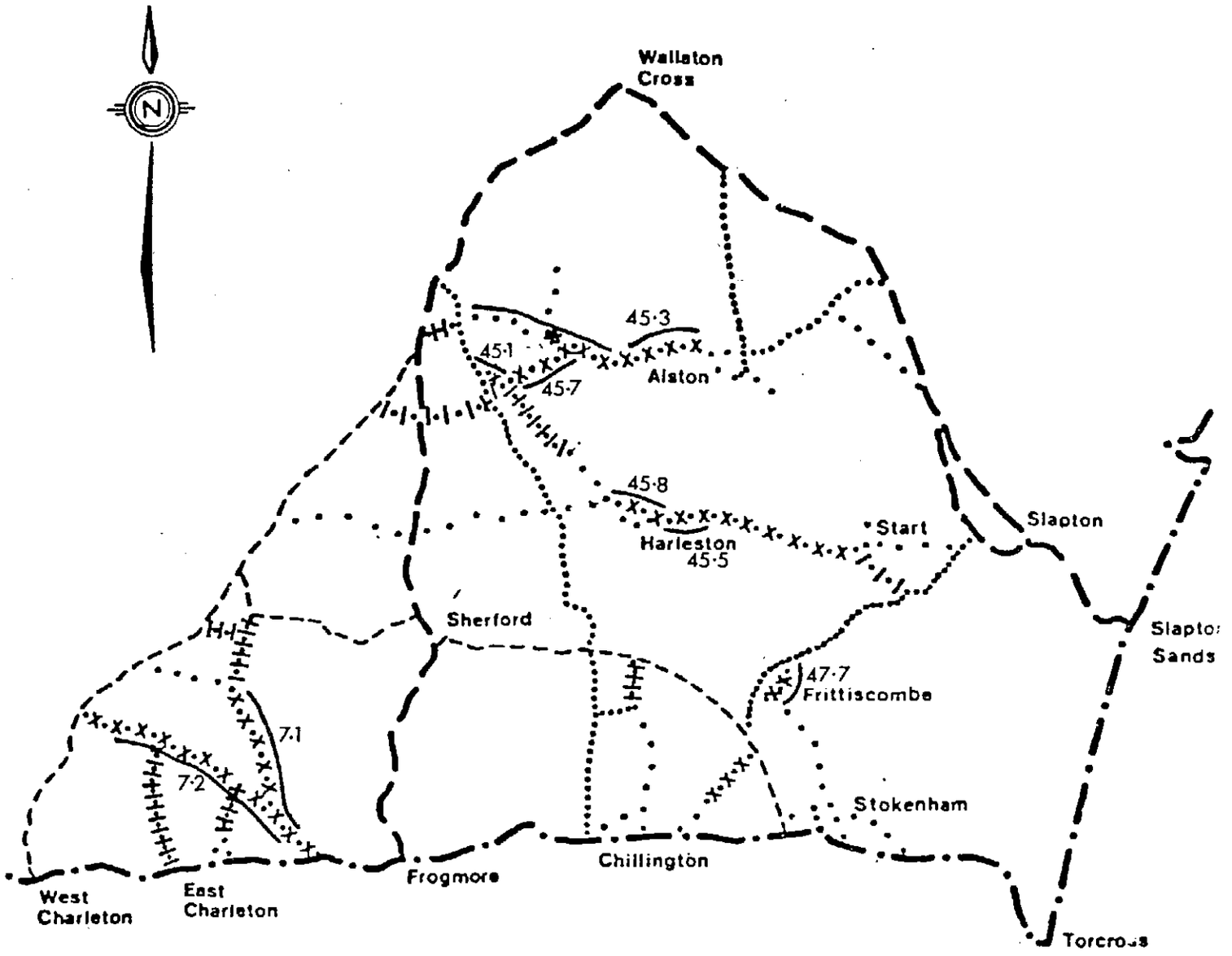
4.13. Conflict between different sorts of recreational user of green lanes, and between recreational users and farmers, had been reported in all study areas, but did not seem important to the majority of those interviewed on the lanes. Of the twenty-four people questioned in Devon, only two complained of other users: one about those people who used the lane for "walking" dogs; and another about motorcyclists in the lane (which was an unclassified county road). In Dorset, one person felt that horse-riders had made the road very muddy, and another felt that farm vehicles had caused the same problem. In the Peak District, six of the thirty-one people questioned said they disliked seeing motorcyclists on the lanes; but two horse-riders said how courteous and considerate had been the motorcyclists they had met. With one exception, all those complaining of motorcyclists were walking on lanes with vehicular rights (roads used as public paths, bridleways/unclassified county roads, or unclassified county roads).

4.14. The results of the sixty-nine interviews suggest that only a minority of lane users were concerned about clashes with other users or with problems of maintenance, although when asked if they had any other views or suggestions to give, a few people proposed that the law should be changed, or existing legislation enforced, to bring the lanes into better repair, prevent ploughing out and obstruction, to keep bulls out of fields with public paths, and to "ban motorcyclists". Of course, local representatives of the various recreational user bodies were more aware of these problems and were better able to suggest solutions, so a range of such people in each study area was visited (listed in Appendix V).

MAP 6 →

MAP 6. Devon County Council's proposals for Lightly Trafficked Roads cheme in the South Hams.

Modified network.



KEY

———	A	standard road	Functional Route Network
—·—·—·—	B	" "	
— — — —	C	" "	
- - - - - - - -	D	" "	
.....	E	" "	Local Route Network
. . . . .	F	" "	
·I·I·I·I·I·I·I·I·I·I·		Appear unnecessary for public use – future status to be subject to further investigation	
·x·x·x·x·x·x·x·x·x·		impassable	
———		Green lanes by D.A.R.T's definitionn (for condition see text)	

Scale 1:50,000
(approx 1¼ to 1 mile)

Views of the recreational user groups

4.15. Devon. All the user groups contacted felt that the numerous green lanes were a valuable recreation resource, regrettably under-used because they were difficult to find and were often in bad repair. Very few potential users thought they were able to check the routes of unclassified county roads at the offices of the highway authority (as could also be done with rights of way on the definitive map). Most walkers and riders relied on the Ordnance Survey maps (1:25,000, 2nd Series) or 1:50,000, which showed some of the green lanes which were footpaths or bridleways with black boundaries beside the (green or red respectively) footpath or bridleway lines; but the maps made no distinction between private and public unsurfaced ("white") roads, and many "white" roads were actually tarred. Also some lanes (including unclassified county roads) were not marked with double boundaries but by the single broken black line normally taken to indicate a private path.

4.16. The situation on the ground was thought to be equally confusing. There is no duty to sign unclassified, untarred roads where they leave the metalled road (as there is with footpaths and bridleways) and, where rights of way lead off untarred roads, they too may go unsigned. Also, in some parts of the South Hams, the County Council had erected T-shaped 'No Through Road' signs where lanes led to farms but continued beyond the farms as unmetalled county roads. To indicate some sort of public rights, many unclassified county roads were signed 'bridleway' or even 'footpath' (or, on occasions, both, depending on which end was examined). All this meant it was hard for a stranger, or even a resident, to know which lanes could be used and under what circumstances, without running the risk of trespass (or, indeed, committing a criminal offence).

4.17. The maintenance of many green lanes in the study area was also thought to be poor. Although all the users' representatives questioned realised that financial pressures on the County Council prevented much upkeep of the lane surface, the Council seldom enforced the farmers' obligations to trim the hedges, and apparently did very little to prevent ploughing out. (In some cases this could have been because the highway engineers had little idea exactly which roads were their responsibility.) Many lanes with a long history of public use did not appear on either the definitive or road maps, and since the lengthsmen have been replaced by mobile gangs, the inacequate map of maintainable roads is the authority's only guide.

4.18. Most users' representatives questioned felt that the proposed downgrading of many roads used as public paths to bridleways was unfortunate. Both walkers' and horse-riders' spokesmen felt that motorcyclists' rignts were being unfairly reduced, even if walkers and riders did not necessarily want to share roads used as public paths with trail riders. The proposed review of Lighly Trafficked Roads caused even more consternation. Complete closure of many green lanes was not ruled out, and this could mean the effective loss of an even greater mileage of right of way, since useful link routes are involved. They felt that downgrading even to footpath or bridleway, or relinquishment of maintenance under Section 50 of the Highways Act 1959, might suggest abandonment of official interest in the route to the farmers, who would then neglect their obligations to trim the hedges. An increased incentive for ploughing out - legal or not - would also result. Problems of inadequate mapping and signing, and even doubt as to whether or not a lane had public rights of access at all, would also be increased if the roads were taken off the list (map) of maintainable highways.

4.19. Dorset. The decision, following the 1949 Act, not to designate any lanes in Dorset as roads used as public paths, apparently based on administrative advantages rather than practical considerations, was criticised by all the users' representatives interviewed. Although it has been possible to regrade a few potential roads used as public paths as byways during the recent Special Review, user groups felt that this represented a very small proportion of the routes which should have been so designated, as 503 cart road/footpaths and cart road/bridleways had been claimed by parishes during preparation of the definitive map, the majority of which are still designated as footpaths and bridleways. To the user groups there appears to be some reluctance on the part of the County Council to dedicate ways as byways. This is thought by the user groups to be because the *"open to all traffic"* of the official title is taken to imply a standard of road suitable for all traffic. They point out that Section 3 Part III paragraph 9 (5) of the Countryside Act 1968 makes it clear that better surfacing is not implied by the designation. Apart from this apparent under-representation of roads used as public paths and byways in the county, the user groups pointed out several "white" roads which are neither public rights of way nor maintainable roads, but which - by their use or conformation - are obvious public highways.

4.20. An official re-classification as roads used as public paths or county roads is stated to be insufficient to ensure the preservation of green lanes in Dorset. Several examples of totally overgrown and impassable lanes were given, and numerous examples of lanes of all official classifications which had been ploughed out, whether or not this was legal. Removal of hedges and ploughing of lanes is particularly prevalent on the Dorset downland. Apart from destroying the general appearance and character of the lane, the sheltering effect of the double hedges (thought to be most important for wildlife as well as for the public) is lost.

4.21. The Dorset representatives of various users' groups have tried several ways of preserving these double boundaries. They understood that, although registration as an ancient monument might be used for, say, Roman paving, the majority of tracks and their bordering hedges are not entirely man-made, so cannot be classed as archaeological artefacts. Similarly, Tree Preservation Orders can be used to prevent hedgerow trees being cut down, but the hedge beneath may still be removed (and the trees will eventually die and need not necessarily be replaced). It is thought that, where a lane carries droving rights, then this implies a satisfactory double boundary to retain the driven stock; but, so far, this has not been tested in law.

4.22. Although relationships between recreational green lane users and the landowners and highway authority are not always satisfactory in Dorset, there seems to be no antagonism between the different types of recreational user. For example, local members of the Ramblers Association do not all agree with their Headquarters' view that motorcyclists should be banned from unsurfaced tracks. In Dorset, walkers and horse-riders appeared to find most motorcyclists polite and helpful when passing in narrow lanes; and use of a lane by motorcyclists helps prove vehicular rights, so that the lane may be classified as a byway or county road and ploughing then becomes illegal. It is usually felt that trail riders have a right to enjoy the countryside in their chosen way, and it was pointed out that - unlike horse-riders, pedal-cyclists and walkers - trail-bike riders must pay road tax for the privilege of using unpaved, unclassified county roads.

4.23. Derbyshire. The attitude of user groups in Derbyshire towards each other was in direct contrast to the cordial relations usual in Devon and Dorset; but there was little friction between recreational users and local farmers, and the highway authority (but not the District Councils or the Peak Park Planning Board) was usually considered fair and sympathetic. The majority of representatives of walkers' groups interviewed were fairly happy with the present pattern of public paths and minor roads open to them. However, both horse-riders and motorcyclists were reported as damaging the surfaces of paths and tracks, and (particularly in the case of motorcyclists) causing unnecessary noise and danger. Most walkers' groups welcomed the Limited Special Review, hoping that most roads used as public paths would be downgraded to bridleway or even footpath; and that the regrading could be extended to remove vehicular rights from unsurfaced and unclassified county roads.

4.24. The British Horse Society representative in this area did not want to see roads used as public paths regraded as footpaths, as there were considered to be very few places already where people had a right to ride, and many of the bridleways in the area were impassable. However, the Society appeared to think the Limited Special Review might well work out to their satisfaction, and additional interference in the process (such as this study) was not favoured. The Trail Riders Fellowship felt that they had most to lose by the Review; by any associated entrenchment of attitudes about their rights on public paths and minor roads; and by the differing interpretations which could be read into the legislation on green lanes and roads used as public paths.

4.25. Trail riders were obviously keen to retain vehicular rights on the majority of unsurfaced roads. They saw this as being complicated by the supposition that designation as a road used as a public path implied - but did not prove - vehicular rights. Despite the Hood case, which confirmed that all roads used as public paths had bridle rights, they noted that, if a proposed re-classification to footpath was opposed by a request to re-classify as byway, which was then turned down, the lane may legally be classed as a footpath; and that (as stated in the Mason case) a road classified as a footpath was a right of way on foot only, but a bridleway apparently also had vehicular rights. For these reasons, the Trail Riders Fellowship did not want the bridleway/unclassified county roads in Derbyshire re-classified, as the vehicular rights would be lost if the roads became footpaths. Even if they were re-classified as byways,

there would be no additional advantages to trail riders; and the process of proposals, public consultation and enquiry could be time-consuming and expensive. On the other hand, motorcyclists would like to see footpath/unclassified county roads (apparently still county roads but with rights of way on foot only) re-classified as bridleways; and roads used as public paths/unclassified county roads re-classified as byways, provided the "uninformed hysterical anti-motorcyclist faction" allowed this.

VIEWS OF FARMERS AND LANDOWNERS

4.26. Discussions were held with National Farmers' Union officials and with a number of the farmers working the land beside the green lanes examined: 23 in Devon, 26 in Dorset, and 13 in Derbyshire. (The data sheet used to record farmers' views is shown in Appendix III.) The use made of lanes by farmers themselves is recorded in paragraph 3.59, but the following paragraphs describe their attitudes to other people using the lanes.

4.27. The farmers in the study areas claimed that the general public used almost all the green lanes on or adjacent to their land, including the majority of the private roads; and that walkers, horse-riders and the occasional motorcyclist could be found on lanes of most designations. In the South Hams, fourteen of the farmers whose lanes were used by the public seemed quite happy that this should be so; five complained that gates were sometimes left open, or that people drove cars up the lanes, blocked gateways, or got stuck. One farmer complained about motorcyclists using the lane - because he eventually put a stop to, despite the lane's status as a road used as a public path. In Dorset, farmers seemed less tolerant of use of "their" lanes by the general public, with only nine cheerfully accepting public use, compared to the fourteen who complained that people often left gates open, or strayed from the right of way. Two local residents who were interviewed complained that the volume of traffic using their lane was causing damage and disturbance. This level of use seemed quite reasonable, however, as one lane gave access to several new houses, and another served a cluster of business premises - although both were bridleways. In the High Peak district, seven farmers tolerated public use of the lanes; two of the farmers had been upset by trespassers; one objected to heave use of the lane (an unclassified county road) by a local riding school; and four complained about motorcyclists using lanes (although three were referring to bridleway/unclassified county roads or unclassified county roads). On the other hand, one farmer said how polite and thoughtful most motorcyclists were in their use of the countryside.

4.28. The farmers' representatives, too, were somewhat preoccupied with the maintenance of green lanes. They accepted that the highway authority should repair only the surface of a lane which is a highway of any designation, and that the neighbouring farmers should keep up any walls and hedges. However, if a lane is a footpath or bridleway, the council needed to maintain it only for such purposes; the farmer then had to do any additional repairs if he wanted to keep it suitable for his and other farm vehicles. To see whether farmers themselves understood this dual obligation (and to see also if they and the County Councils were carrying out these maintenance obligations), the farmers interviewed were asked who was supposed to repair the lanes under survey, and who actually did these repairs. The answers did not vary much from area to area, but differed slightly according to the status of the lane.

4.29. Only five farmers were vague in their answers. Of the remainder, nineteen thought that repairs to lanes which were footpaths and bridleways should be carried out by the farmer or landowner, and the majority of these did indeed repair the lane. Ten farmers thought that lanes which were rights of way were "the council's" responsibility, but only three reported that the council actually did the work (usually it was left undone or else done by the farmer). When roads were unclassified county roads (or had dual bridleway/unclassified county road status, in the Peak), eighteen farmers thought "the council" was liable for repairs, and only three thought they were themselves responsible; but, again, only two could claim that the council ever did any repair work, thus in other cases leaving it to the farmer to do what he felt was necessary for his own use of the lane. All those to whom it applied knew that private roads were entirely their own responsibility, even if they were used by the public.

4.30. Farmers certainly appeared to have a reasonable grasp of the law on highways and rights of way insofar as it affected their responsibilities to the public; and our field surveyors judged that thirty-five of the sixty-two farmers were fully aware of their rights and obligations. Only nine seemed muddled by the legislation, or admitted that their knowledge was scanty. (It was difficult to make any judgment about the remainder.) On the other hand, only twenty-one farmers thought that the public were aware of their rights and responsibilities on the lanes. (Not surprisingly, these were usually the farmers who readily accepted public use of their lanes.)

4.31. The survey therefore demonstrated that the farmers involved usually understood the highways law regarding green lanes and rights of way, insofar as it affected them. However, the farmers felt that the public using the lanes had not troubled to be so well-informed, and did not always keep their side of what was seen to be a bargain. (Three of the farmers interviewed volunteered the suggestion that education of the users of public paths would solve some of their problems.) However, the farmers are more critical of negligence of duties by the highway authorities than by the lane users. Only one farmer reported that "they" did a good job - and he turned out to be referring to the Peak Park Planning Board and not the highway authority.

4.32. Talks with officials of the National Farmers' Union tended to confirm these findings. On the whole, farmers were felt to be tolerant of public use of footpaths, bridleways, and minor roads in the countryside, so long as the recreational users did not interfere with farming activities. Trespassing and leaving gates open seemed to be the most frequent offences in the three study areas, together with badly-parked cars; and the noise and disturbance caused by some motorcyclists was also mentioned. Several farmers interviewed also had other rights of way which were not green lanes on their land, but preferred people to use the lanes as the double boundaries helped prevent trespass and accidental or deliberate damage to stock and crops. Bounded lanes may be harder work to maintain (especially in the south-west of the country), but the extra effort is usually repaid by having the public neatly channelled across the farm. Farmers are also felt to be generally willing to maintain lanes they themselves use, unless they consider that the bulk of the wear on the lane is caused by the public.

4.33. However, the officials stated that farmers are naturally concerned that the local authorities too should carry out their maintenance obligations, even on minor roads used primarily for farm traffic. As stated by the National Farmers' Union regarding Devon County Council's proposed scheme for Lightly Trafficked Roads:

> *"The basic route network serving the rural areas ... must be retained and must be maintained at a sufficiently high standard to permit their regular use in all weathers. Access must be maintained to all farms for modern heavy-duty vehicles, bulk milk tankers etc., which are now an essential part of modern agriculture. No change must be made in the grading or status of individual roads without proper consultation* (with the farmers concerned)."

The National Farmers' Union felt that it is important for farmers to have full control of lanes which are no longer publicly maintainable highways; and Devon County Council's plans to relinquish maintenance on public roads (under Section 50 of the Highways Act 1959) will be opposed. Green lanes are seen as an integral part of the minor road system essential to modern farming. Farmers are willing to share them with recreational users when necessary, but view with alarm their further deterioration.

Chapter 5 CONCLUSIONS

INTRODUCTION

5.1. Detailed appraisal of this material collected at national and local level would be markedly repetitious but, having recorded such a range of views, we have ourselves reached certain conclusions which we state as concisely as possible below.

5.2. It is our view that the distribution and extent of green lanes in England and Wales cannot be stated with any reasonable accuracy because:

a. the classification of these lanes is totally inconsistent from county to county, so that virtually any category of way for which official statistics exist can be a green lane;

b. the bases for estimates - the highways lists and definitive maps etc. - are often sadly inaccurate;

c. the estimates given by some counties appear to have no documentary basis of any kind, and may be more accurately described as 'guesses'.

Nor can the detailed surveys carried out in the study areas be used to quantify these possible errors in the three counties concerned, because the official figures cannot be broken down to the District level necessary for this exercise. Finally, the study areas were in no sense a statistically valid sample of English and Welsh Districts generally, so extrapolation from the study area data would be hazardous. The most that can be said with confidence is that green lanes are significantly less abundant than footpaths and bridleways generally (bearing in mind that these three categories of track overlap), but they are nevertheless a major part of our heritage of routes.

5.3. The legal status of green lanes is remarkably unsatisfactory, by reason of both complexity and misunderstanding of the relevant statutes. The resulting confusion is a source of troubles to both government and users - and with these troubles manifesting themselves in procedures and 'on the ground'. However, it seems likely that large-scale changes in the legislation might well compound these problems, by reason of:

a. the possibility of yet more complexity being added;

b. the inability of local authorities to carry out the survey and registration which would almost certainly be needed (unless special finance is also made available.

5.4. Despite the almost axiomatic redundance or obsolescence as a highway which the term 'green lane' implies (and which was confirmed by the field surveys), the country's green lanes constitute a valuable resource in both conservation and recreational terms. There should be greater awareness of these values by government and public. The field survey suggests that they are usually important features of the landscape, to which they add form, scale, and variety. They serve an increasingly valuable wildlife conservation function as the intensity of cropping on the adjacent farmland is increased.

5.5. They are an easily overlooked part of our historic heritage, giving mute evidence of what travel conditions were like in an earlier age at least and, occasionally, having some greater historic importance in their own right. On the evidence, they are still useful to the bulk of livestock farmers for their agricultural purposes (although not so much as to counter their land value in arable areas). Taken on their own, they have considerable recreational value - and one which is several times compounded when added to the other routes which can be walked or ridden. This recreational use can lead, and has led, to conflict between user and farmer, or between user and user. But, in our view, this is less due to specific requirements of different users than to misunderstanding, lack of management, and - too often - a want in courtesy.

5.6. What is also clear, however, is that this set of resources - too scattered to be called a system but certainly of importance to many as a sub-system of the total road and path system - is in danger of serious loss in some areas, and a slow erosion of extent and value in others. This erosion may be made good by the slow decline of many roads which are presently tarred, but this cannot be relied on and, by well-understood conservation criteria, these roads would be less valuable for wildlife. We found 119 green lanes had been 'destroyed': removed from all possible use as a double-bounded route of passage; and our search almost certainly missed others from the inadequate records and the lack of remaining visible evidence.

5.7. In the light of this research and these briefly summarised conclusions, we feel that action should be taken to correct what is an unsatisfactory situation, and to help conserve these resources. We tentatively suggest, as a basis for discussion between the sponsoring bodies, highways authorities, and user groups, changes under the broad headings of legislation (including its administration) and management.

LEGISLATION

5.8. It is our view that, wisely used and with one or two apparently simple amendments, the present legislation can adequately serve the purposes of central and local governments, together with those of conservationists - despite the complexity earlier recorded. What are needed, however, are:

a. as full and accurate records as proper field survey, on the lines described in this report, will reasonably permit;

b. commitment to establishing and maintaining these records by highway authorities (but with encouragement and assistance in this task by the public and by central government);

c. properly thought through and clearly articulated guidelines for the interpretation and wise use of the range of relevant legislation.

5.9. Survey and Records. The first requirement for management and conservation is a record of a green lane's existence and legal status, yet the large majority of county councils have not been able to keep up with the tasks placed on them in this respect under the statutory reviews of the definitive path maps; and the special reviews of roads used as public paths (which, as we have shown, represent only a small proportion of green lanes) are far from complete. Given the total administrative problems of the authorities concerned, this allocation of low priority to this work is not surprising. Nevertheless, the work must, in our view, be properly completed and added to by dint of surveys of other green lanes.

5.10. From our three field surveys, we can claim that the task of basic survey and allied desk research (using our working definitions) is not difficult or demanding of high qualifications - our survey teams included school-leavers and one foreign national with indifferent English. There are, of course, costs in wages and travel, but we feel that this work would be ideally suited to teams employed under the Manpower Services Commission's 'Special Programmes': the establishment of full and proper records of green lanes (and paths) would be of considerable administrative benefit to the authorities; of clear benefit to the conservation of the physical environment; and of inestimable value as historical documents to future generations. Alternatively, with proper encouragement and instruction, the work could be done (albeit over a much longer period) by volunteers and school groups. What appears to be missing is a sense of commitment - motivation, if preferred - which possibly stems from a lack of awareness of their importance in highways authorities whose preoccupation must inevitably be with the requirements of motorised transport. Some further encouragement from the Departments of Transport and of the Environment might be helpful: written exhortation but backed by assistance towards survey costs. Or, the Countryside Commission may wish to consider extending its advisory and grant-aid resources to green lanes, whose survey might lend itself to the appointment of a Project Officer.

5.11. From Chapters 2 and 4, there is a clear need for advice to both local authorities and voluntary bodies on the interpretation, cross-relevance, and practical use of the various Acts. This could be in the form of a Consolidation Circular, or an advisory booklet, or both; and should specifically include:

a. the type of traffic, by right and by permission, which can use the different designations of lane;

b. the absence of any statutory obligation to maintain a byway to a standard suitable for all traffic (paragraph 2.30);

c. the ability given by traffic regulation orders to restrict the type of traffic using a byway;

d. the discretion given the highway authority to cease full maintenance (to an 'all-traffic-' standard) of a highway without having to downgrade its status (paragraph 2.29);

e. the need to increase the awareness of farmers and landowners of the value of their private roads as a step towards engaging their interest in conserving them (particularly important since these roads do not come under the statutes discussed and yet constitute over one-third of the lanes surveyed).

5.12. Roads used as public paths deserve special mention. At the outset of this research, there was a long-standing and widespread assumption that 'green lanes' and roads used as public paths were nearly synonymous (an assumption which underlay the procedure laid down in the 1968 Countryside Act for the review of roads used as public paths). It has been demonstrated that, in three tolerably large areas rich in green lanes, only a very small fraction were so classified (or would have been in Dorset if the County Council had followed other counties in using this classification). However, there is no doubt that they pose a special problem. We have shown in Chapter 2 that the right to use motor vehicles on them is unclear, which makes things difficult for motorists/motorcyclists who are unsure of their rights. In addition, this half-implied vehicular right has the dedicated (non-motoring) conservationist hesitating between the Scylla of delinquent motorcyclists if the road used as a public path is regraded to a byway, and the Charybdis of destruction by ploughing if its status is changed to that of bridleway. We have also shown that these contingencies can be avoided - notably through a change of status to byway coupled with a traffic regulation order governing its use.

5.13. Amendments to legislation. Detailed suggestions on suitable amendments are properly the task of a legal draughtsman, but we can suggest four directions which amendments might take. The first concerns roads used as public paths and the Reviews called for in the 1968 Countryside Act. We have shown that there is nothing in the legislation to prevent further roads used as public paths being designated in the future yet, once the Limited Special Review has been held, there is no provision for reviewing such new roads used as public paths. This anomaly needs to be removed, by permitting some form of periodic Limited Review or by amending the National Parks and Access to the Countryside Act 1949 to remove the 'road used as a public path' status altogether and, at the same time, enabling byways to be created or paths to be re-classified as byways in normal quinquennial reviews. We favour the latter procedure because we would like to see the flexibility to accommodate change built into the legislation.

5.14. The second change we would wish to see made is to the procedure for closing, diverting, and downgrading county roads (particularly green lanes) under Section 108 of the Highways Act 1959, or for relinquishing responsibility for maintaining highways (under Section 50 of the same Act). Highways authorities with limited budgets appear to be tempted to use these Sections to reduce their total maintenance costs. These powers are seen by conservation and amenity groups as a threat to be opposed, yet we have noted that these powers, wisely used, can actually be a means of safeguarding green lanes and adding to their number. However, in both cases, the procedure is for application to magistrates' courts. This does not provide for proper consultation with user groups, and also places them at a disadvantage in resisting applications. (Magistrates' courts can be intimidating to the unitiated, and there is always a worry about the possible award of costs.) We stress that the rights under this Act should remain; that the harshness of the procedure should be softened by, perhaps, a short period of consultation prior to formal application for an order; and that, in the longer term, the highways authorities and the amenity bodies agree on their joint use for conservation purposes.

5.15. The third amendment needed is to the National Parks and Access to the Countryside Act 1949, to remove the anomaly of dual designation as found in the High Peak area. The Mason case has set the precedent that Unclassified Roads/Footpaths are *de facto* footpaths; whilst Unclassified Roads/Bridleways are *de facto* unclassified county roads. This seems sensible, but now needs formalisation in statute to remove the continuing misunderstandings found during survey and local discussions.

5.16. Finally, something should be done to prevent, as a last resort, the destruction of green lanes of particular historical, landscape or wildlife value. It is paradoxical that trees only a few decades old (and readily replaceable) can be protected from removal, whereas lanes centuries old may be destroyed with impunity. We have hesitated over this suggestion, believing that there is a growing public unease with state interference in the lives and livelihoods of its peoples. But we believe the value of some green lanes to be high, and the dangers in some areas to be acute. We understand that the Department of the Environment believes it inappropriate to extend the definition of 'ancient monument' to include hedgerows and green lanes because

> *"... an ancient monument should be a building or structure made or inhabited by man; we do not consider that green lanes are man-made in quite the same way nor that ancient monument powers would be apt for preserving them or controlling them".**

We regard this argument as mistaken. A Devon green lane, banked, hedged, and metalled, has taken every bit as much manpower and is as appropriate to the economic and social history of the people who made it as is any Bronze Age barrow. In any case, a lane, road, or track is an undoubted artefact, and to suppose that there is anything natural about its existence or course is naive. There may well be good administrative and financial reasons why the widespread designation of green lanes as ancient monuments might be unwise, but we feel that their occasional designation when a clear historic value can be ascribed would be apt and helpful.

5.17. Where this would be inapt is with features of major landscape value only, or with clear wildlife value where this falls short of designation as of 'special scientific interest' (which, in itself, does not prevent destruction if the owner is determined). For these, we urge the further consideration of an idea put to us - that of the Track Preservation Order, working analogous to the present Tree Preservation Orders. We are aware of some of the problems associated with the latter - they can arouse the owner's resentment and they carry no automatic responsibility to maintain or replace the listed tree. But lanes are normally more durable in the fact of neglect than is a tree; and there are already extant legal responsibilities to maintain the surface and margins of green lanes (which can be subject to Court Order in extreme cases), so that no new (and hence resentable) powers would be needed.

MANAGEMENT

5.18. The conflict between recreational users reported to us in Phase 1 of the study is real enough, and can be locally fierce, as in the High Peak. Nevertheless, we feel it has, on the whole, been somewhat exaggerated. Where it does occur, it seems to us to be more amenable to management than to wholesale banning of one group or another. The possibilities of physical zoning of activities between green lanes do not appear to have been fully explored, nor have those of restricting motor access on disputed ways to particular times or organised groups. We are sympathetic to those who find motorcycles, however silenced and well-ridden, offensive and anachronistic in quiet places, but the cyclists have rights, and to deny these simply from a claimed superior sense of values is a debateable (and dangerous) step. There probably are some places where this may be necessary, but they are fewer than many hard-line walkers would accept - and the ability to control use through local traffic regulation orders permits experiment towards compromises acceptable to those on both sides of the argument; and changes to meet evolving circumstance.

5.19. The conflict between farmers and other users is also exaggerated on the evidence presented to us - indeed, the problems are fewer with green lanes than with some other routes because they place bounds to the visitors' behaviour and movement. Like visitor problems in the countryside generally, they are amenable to better public (and here we include farmers) education and local information.

* Department of the Environment (Ancient Monuments Directorate): Letter to the Commons, Open Spaces and Footpaths Preservation Society: August 1977

5.20. The lack of clear information is exemplified by the inadequate or misleading sign-posting we found in the study areas. What is needed - and what would be welcomed by recreational users and farmers - is some clear indication of where walkers etc. are allowed to go. Bearing in mind the diverse classification of green lanes, perhaps the simple sign 'Green Lane' might be adopted for all lanes with legal or permitted rights of way. These signs could have some indication of restrictions on use also - a task not beyond a competent designer.

5.21. The Ordnance Survey maps can also be misleading, but we appreciate the difficulty in making alterations to these, and content ourselves with pointing out that our survey revealed that 'white' roads, which should therefore be untarred, were sometimes tarred; whilst 'yellow' (or 'brown-striped') roads, which should be tarred, were sometimes untarred. We suggest that a more helpful distinction would be between private roads (white?) and public highways (coloured?).

5.22. We have instanced the problems of maintenance of green lanes - lack of money and lack of interest in the face of more pressing matters. If the lanes are properly surveyed and recorded as we suggest above, then their condition can be recorded and some degree of priority accorded - such as the re-opening of short stretches of impassable lane which are useful links in the local network of rights of way. There seems to be room for more informal dialogue with owners, whereby the highway authority offers to improve the surface if and when owners play their part by cutting back the hedges. We also point again to the opportunities offered by the Manpower Services Commission's 'Special Programmes'; by collaboration with interested voluntary bodies; or, perhaps, an appropriate mixture of the two, with the authority sponsoring M.S.C., and the volunteers providing local knowledge, hedging and other skills, and day-to-day supervision.

This copy of 'Green Lanes' was donated by the

TRAIL RIDERS FELLOWSHIP

active conservation of our 'byways' heritage

TRF members

- explore 'byways' *
- for recreation (*not* competition) and to enjoy the countryside,
- ride in small groups using road-legal (usually 'trail') motorcycles, and
- follow the TRF Code of Conduct - rights with responsibility and consideration for others.

* un-sealed ways with public vehicular rights – Byway Open to All Traffic, Road Used as Public Path, road on the List of Streets, or other 'lost' or 'hidden'. Some are *also* wrongly recorded as footpath or bridleway on the Definitive Map.

+ Rights of Way work and Research

Most of the 40 groups have an active Rights of Way Officer.

+ Maintenance

Voluntary teams work (often with other user groups) mainly to clear overgrowth, rubbish, fallen trees, and neglected drainage systems.

+ Liaison

Prejudice clouds many people's dealings with motorcyclists. In addition, 'byways' suffer from the complexity of designations, lack of information and even deliberate misinformation. Liaison aims to increase mutual understanding: although the small-sized TRF struggles against the vested interest and propaganda of some others.

Local formal and informal liaison with Highway Authorities (including National Parks), other user groups, landowner / farmer groups, AONBs, etc.

National liaison with Government, DEFRA, Countryside Agency, Central Council for Physical Recreation, other user groups, landowner / farmer groups, etc.

+ Protecting 'byways'

Responsible enjoyment by people riding motorcycles, maintenance, and research all help to sustain 'byways' for everyone to enjoy - helping to protect them from overgrowth, obstruction, rubbish dumping, neglect, encroachment, illegal ploughing out of the carriageway, and destruction of bounding hedges or walls.

Think carefully about the real motives of those who oppose our enjoyment and our conservation of 'byways' .... and that if motorcyclists' enjoyment is restricted then horse-riders become one of the next targets for the anti-access or the "walkers only" campaigners.

Find out more- **www.trf.org.uk**
and booklet '***Making the Best of Byways***'
from DEFRA, tel. 0117- 372 8449

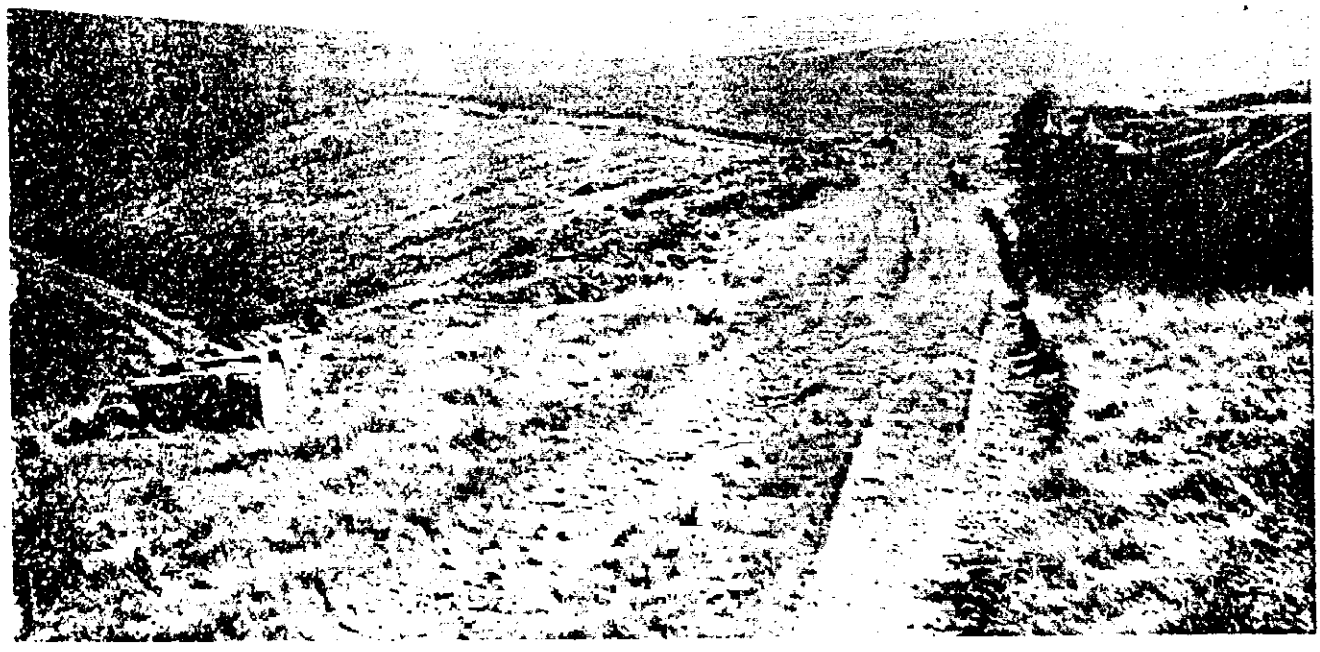
TRF, PO Box 196, Derby. DE1 9EY

Photograph 1 Motorist in trouble on an unclassified county road (Lane 7.10) in the High Peak

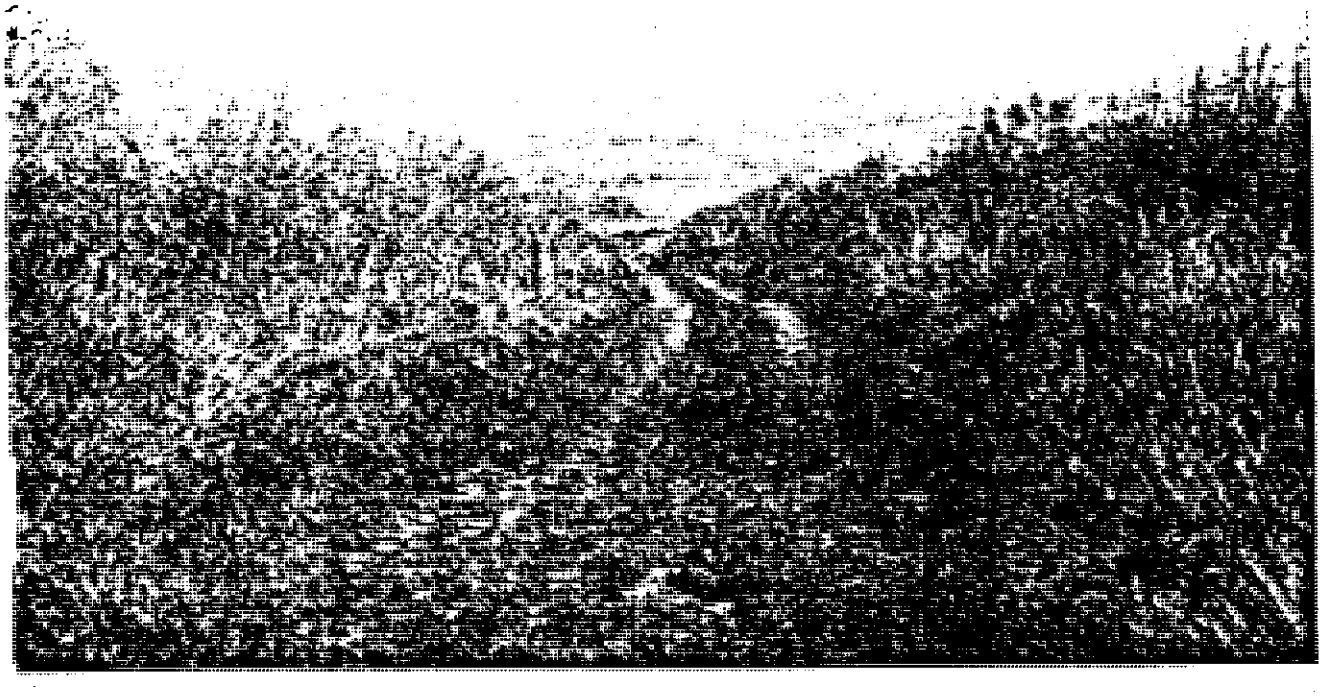
Photograph 2 Green lane (footpath) destroyed by 'ploughing out'. The right-hand hedge has been removed and the lane surface ploughed, although it is now a 'headland path' (Lane 37.4 in South Hams)

Photograph 3 A lane with a narrow 'usable width' because hedges are overgrown (Lane 42.6, West Dorset, a bridleway)

Photograph 4 A dull lane (actually concreted at this point) with poor views (Lane 49.14 in Devon, a bridleway)



Photograph 5 A 'rather dull' lane with good views over surrounding countryside (Lane 26.3 in the High Peak, a footpath)

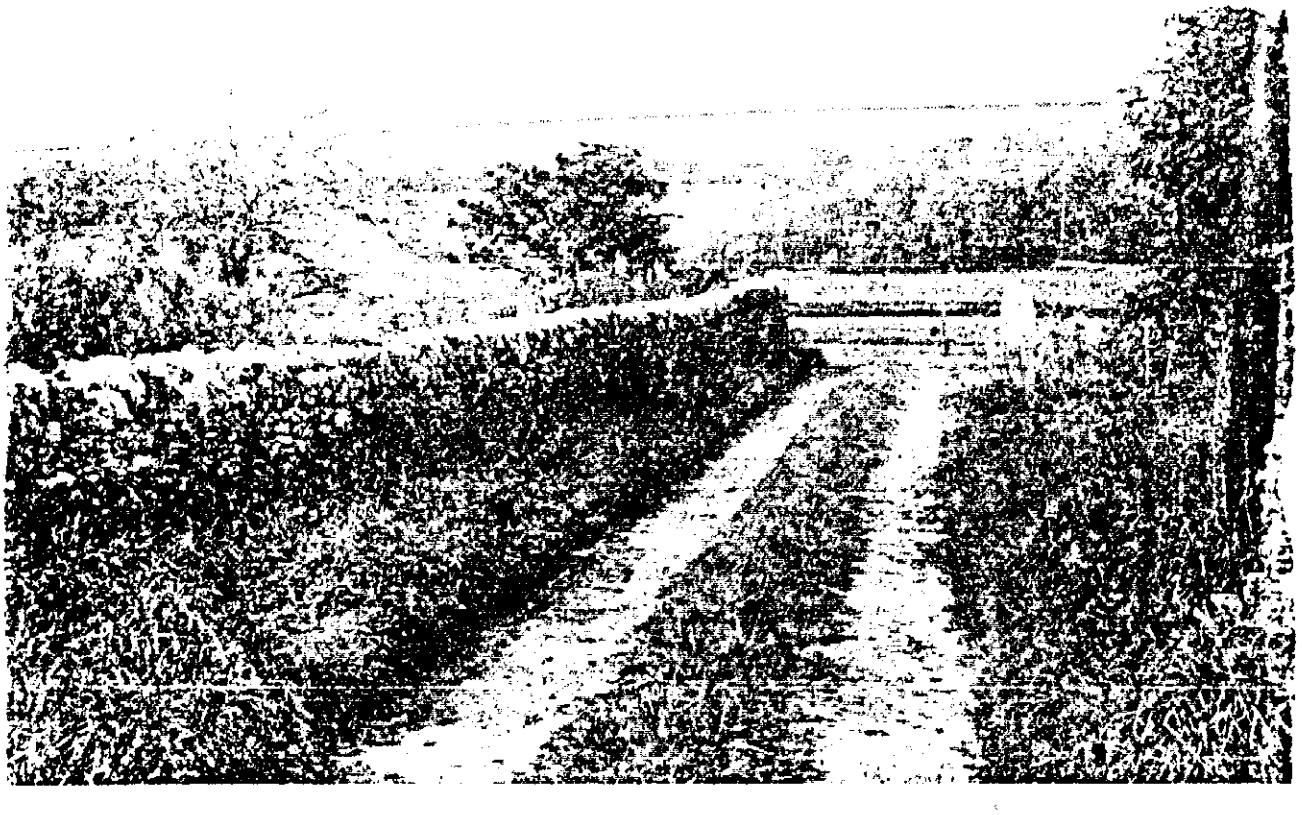


Photograph 6 An 'interesting' lane with good views of the surrounding landscape (Lane 51.1, West Dorset, a bridleway)

Photograph 7 A lane forming an 'integral part of the landscape' (Lane 24.2 in the South Hams, a UCR)

Photograph 8 Milestone on lane once the turnpike road between Buxton and Macclesfield, now a footpath (Lane 31.7 in High Peak)

Photograph 9 Trail riders gathering before riding on Lane 23.2, Doctor's Gate in Derbyshire, a BR/UCR



Photograph 10 A footpath also used (and maintained for) access to fields (Lane 51.8 in Dorset)

APPENDIX I ORGANISATIONS AND INDIVIDUALS INTERVIEWED DURING PHASE I OF THE STUDY

Central Government Bodies

Countryside Commission
Department of the Environment
Forestry Commission
Ministry of Agriculture, Fisheries and Food
Nature Conservancy Council

National Voluntary Bodies (headquarters)

All-wheel Drive Club
Association of County Councils
Auto-cycle Union/British Motorcyclists Federation
British Horse Society
British Driving Society
Commons, Open Spaces and Footpaths Preservation Society
Country Landowners Association
Cyclists Touring Club
National Association of Local Councils
National Farmers' Union
National Trust for Places of Historic Interest and Natural Beauty
Ramblers Association
Trail Riders Fellowship
Youth Hostels Association

Other interested Individuals and Organisations

Department of Prehistory and Archaeology, University of Sheffield
Hertfordshire and Middlesex Trust for Nature Conservation
Lincolnshire Fieldpaths Committee
Ridgeway Conservation Conference
Charles Shippam, Esq.

ORGANISATIONS AND INDIVIDUALS INTERVIEWED DURING PHASE 3 OF THE STUDY

Devon

British Driving Society (Mr. T.B.M. Newbery)
British Horse Society (Col. J.B.H. Croysdale)
Devon County Council, County Engineer's Department: County Engineer
South Devon Area Headquarters
Totnes Division
Devon County Council, County Solicitor's Department
Major-General Campbell
National Farmers' Union (Mr. Hugh Crowle)
Ramblers Association (Mr. Ian Leech)
South Hams District Council (Rights of Way Officer)
Totnes and District Society, Footpaths Officer (Mr. Rob Woodman)
Trail Riders Fellowship (Mr. Geoff Burt)

Dorset

British Horse Society (Miss N. Hay)
Digby Estates, Estate Manager (Mr. Robertson)
Dorset County Council, Transportation and Engineer's Department
Deputy County Surveyor
Rights of Way Officers
National Farmers' Union (Mr. D.J. Whatmoor)
Ramblers Association (Mrs. Ruth Colyer)
Trail Riders Fellowship (Mr. Fred Furlong)

Derbyshire

British Horse Society (Mr. H.H. Brown)
Derbyshire County Council: County Surveyor's Department
County Clerk's Department
County Solicitor's Department
High Peak District Council
North Derbyshire Archaeological Committee
Mrs. Margery Price
Peak and Northern Footpaths Society (Dr. F.S.H. Head)
Peak District National Park
Ramblers Association (Miss Irlham)
Trail Riders Fellowship (and ACU/BMF, Brian Thompson)

APPENDIX II REFERENCES

1	Beresford, M. and Hurst, J.	Deserted Mediaeval Villages. Lutterworth. 1971.
2	Campbell, Ian	A Practical Guide to the Law of Footpaths and Bridleways. Commons, Open Spaces and Footpaths Preservation Society, 166 Shaftesbury Avenue, London, W.C.2. 1974.
3	Cochrane, C.	The Lost Roads of Wessex. David and Charles Series, Pan Books, London, 1972. (1st Edition 1969)
4	Countryside Commission	Footpaths for Recreation: a policy statement. CCCP 99. H.M.S.O., London. September 1976.
5	Dartington Amenity Research Trust	Modification of Rights of Way. A report to the Countryside Commission. April 1978.
6	Defoe, Daniel	A Tour through the whole Island of Great Britain. London. 1726.
7	Dodd, A.E. and Dodd, E.M.	Peakland Roads and Trackways. Moorland Publishing Company, Buxton. 1974.
8	Office of Population Censuses and Survey	General Household Survey, 1973. H.M.S.O. 1976.
9	Good, Ronald	The Old Roads of Dorset. Horace G. Commin Ltd., Bournemouth. First published 1940. New Edition 1966.
10	Ministry of Housing and Local Government/Welsh Office	Report of the Footpaths Committee. H.M.S.O., London. 1968.
11	Department of the Environment	Sport and Recreation. H.M.S.O. August 1975.
12	Grinsell, L.V.	Dorset Barrows. Dorset Natural History and Archaeological Society. 1959.
13	Hippisley-Cox, R.	The Green Roads of England. 1914. Reprinted 1973 by Garnstone Press.
14	Hoskins, W.G.	Old Devon. David and Charles, 1966. (Also Pan, 1971)
15	Marshall, W.	Rural Economy of the West of England. London. 1796.
16	Millward, R. and Robinson, A.	The Peak District. Eyre Methuen, London. 1978.

17	Pollard, E., Hooper, M.D. and Moore, N.W.	Hedges. New Naturalist (Collins). 1974.
18	Ramblers Association	The Creation, Diversion and Closure of Public Paths. 2nd Edition. September 1978.
19	Sandford, Lord (Chairman)	Report of the National Parks Policies Review Committee. H.M.S.O. 1974.
20	Simmons, I.C.	Rural Recreation in the Industrial World. Edward Arnold, London. 1978.
21	Timperley, H.W. and Brill, E.	Ancient Trackways of Wessex. Phoenix House, London. 1965.

APPENDIX III SPECIMEN SURVEY SHEETS

Area:

Surveyor

* GREEN LANES - LANE SURVEY SHEET *

Date
Weather
Time

Lane no: Grid ref. From: To:

Parish(es)

Designation(s) No(s) Length (km)

Type of track
If farm or field access give farm name

Condition of lane
Usable width
Condition of surface
Apparent use - recreation
farm
other

Inspection
Was lane walked?

If not: Why not?

Could it be opened to public

Would this be useful?

Local habitat type
Adjacent land use
Lane boundary
Lane edge
Lane surface

If lane has been walked, in random 30 yard length approx no. of species of:
Grasses
Herbs
Shrubs
Trees

Habitat therefore considered Good Medium Poor
Time habitats undisturbed
Comparison with adjacent land

Archaeological/Historical features
Does lane follow Parish boundary
Old track (between where?)
Old main road
Ancient route
Other
Are there other archaeological/historical features?

andscape value

As landscape in itself
1. Rather dull, no views
2. Rather dull, fine views
3. Interesting lane, no views
4. Interesting lane, good views

As landscape in locality
1. Difficult to see from outside
2. Visible but hard to identify
3. Integral part of local landscape
4. An obvious landscape feature

Who sees it?
1. A few farm workers only
2. The public, from a "path"
3. The public, from minor road(s)
4. People on main road or in village

eology Rock Soil

Landscape total:

Users

Record number of people met during survey of hrs. mins.

Walkers (S.D.)	Walkers (L.D.)	Horse riders
Pedal cyclists	Motor cyclists	
Farm vehicles	Farm animals	
Others (specify)		

Opinions of people interviewed

Recreational users

Farmers

Others

Likely future

Usefulness

Actual

Potential

GREEN LANES DESTROYED

Area:

Surveyor:

Date:

Lane No:

Grid ref. From:

To:

Parish(es):

Length (km.)

Designation(s):

Type of track:

How green lane was found:

How destroyed:

Opinions of farmer: When destroyed:

Why destroyed:

Opinions of local residents: When destroyed:

Why destroyed:

Usefulness: Actual:

Potential:

Archaeological/historical features:

Area

Surveyor
Date

* INTERVIEW FOR USERS OF GREEN LANES *

Lane no. Parish Designation

Type of user No. in group

PREAMBLE: I wonder if I could ask you a few questions about your ride walk? (If required, explain about survey, etc.)

1) Are you out for pleasure?
On business ?
Other (what)?
Do you often use this lane? How often?
Why this particular lane?

Do you think it is properly kept up?
Would you like to see improvements? What?

2) Do you know if other people often use the lane? If so:
Who does? (Walkers, horseriders, farmer, etc)
How many? How often?
Do they ever get in your way? Damage path?

3) Do you know anything about the legal status of this lane?
What do you think it is?
Who actually owns it? Who keeps it up?
Who has a right to use it?

Do you think these rights and responsibilities are usually understood and adhered to?

Are you a member of a walkers club, amenity society or similar?
(If yes, which one(s)?
Does the group do any work on rights of way? What sort of work?)

4) (Only ask if understands legal situation)
Do you think the law on rights and responsibilities relating to green lanes is satisfactory or not? Why?

Would you like to see changes made? If so, what?

5) (Only ask if person has local knowledge)
Have any lanes that you once knew of been lost (e.g. ploughed out, overgrown)? If so:
Which ones?
What happened to them?
When?

What do you think should be done about this sort of thing?

END NEXT

Area

Surveyor

Date

* INTERVIEW FOR FARMERS WITH GREEN LANES ON THEIR LAND *

Farmers usually respond better to a general chat than a questionnaire, but try to cover the following points. Tell farmer as much about our survey as seems necessary to be polite and encourage him to talk.

Farm name Grid ref. Lanes on land

1) Farmer's use of lanes

Lane no. Reason for use Frequency

Extent to which other people use lanes

Do these people ever cause trouble to farmer?

2) History of lanes

What does farmer know of history of lane(s) on his land?

Does he know of existence or use of other lanes on his land
Now

In past

3) Upkeep of lanes

Who should do it? Who actually does it?

Has farmer any comment on this?

4) Lanes and the law

Does farmer understand rights/responsibilities?

Do the public he encounters on his land understand?

Any comments on legislation, as it affects the farmer directly and more generally

END -77-