

Towards Practical Management of Motorised Recreational Vehicle Activity in a National Park. The Lake District Hierarchy of Trail Routes

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Under another Traffic Regulation Order horse stiles are being piloted at each end of the Garburn Road in the Lake District between Troutbeck and Kentmere, to evaluate if passage of horses can be facilitated whilst deterring use by trail motorcycles.

‘that travellers after pleasure have become not less active and more numerous than those who in former times left their houses only for the purpose of gain.’

Wordsworth – 1820

The Hierarchy of Trail Routes (HoTR) in the Lake District initiative came about as a reaction to expressions of concern at a perceived increase in the use of four-wheel-drive vehicles and trail motorcycles for recreational driving on the ‘green roads’ in the national park. The initiative also reflected the emergence of new thinking about the management of conflicts of interest in the countryside. The Department of the Environment’s *Rural England* document (1995) had noted ‘... there are many and increasing demands upon the countryside as a place for recreation. These have to be reconciled and no single interest ought to dominate to the exclusion of all

others.’ The initiative was also made possible by a realisation amongst recreational motor vehicle groups in the area that they must create a single point of contact, communication and authority for the National Park Authority (NPA) and County Council. This group of users became known as the Hierarchy of Trail Routes in the Lake District group.

Following on from episodes of corporate hand-wringing, anecdotal claim and counter claim, and regular unfocused demands that “something must be done” recreational motor vehicle user representatives made an offer to work with the authority to try to harmonise vehicle use with all other pressures on the countryside.

This offer anticipated actions being taken that were informed by fact and not by prejudice or folk-lore, and

sought to break the mould of twenty-five years of what had proved to be little more than intellectual trench warfare with the battlefield doing no more than vibrate, as byway claims were won and lost and no real impact made on the provision for or management of the activity. There were people amongst the recreational vehicle users who had studied closely the theories of Consensus Management that had emerged from organisations such as *Environmental Resolve*, and who understood that consensus wasn't the same as compromise and that it didn't rely on the ultimately debilitating and marginalizing system of majority votes.

A meeting was convened by the LDNPA's Head of Park Management to discuss the situation. A key factor was his invitation, from the outset, to motor vehicle user representatives, Cumbria County Council (as the highway authority) and representatives of Parish Councils (through the Cumbria Association of Parish Councils) and landowner bodies such as the NFU and CLA. This made for a cooperative, rather than haphazard approach.

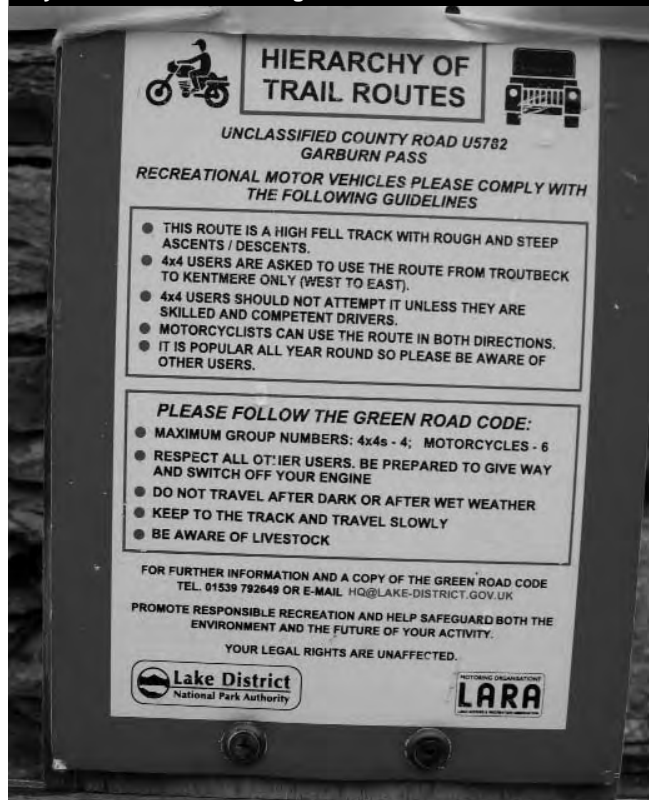
There was considerable pressure, and some temptation to fall-back on traditional legalistic measures; however it was eventually agreed that resorting to law had previously not led to any sustainable solutions. The vehicle users suggested that the problems could be better managed without recourse to bans or the adoption of hard-edged policies.

To their credit, and with some bravery in the face of doctrinal opposition from anti-vehicle groups and other national park authorities, the Lake District National Park Authority decided there was potentially a lot to gain from working with motorised users. Opponents to the initiative anticipated that by being a partner in the HoTR initiative the NPA would be weakening its position as *de facto* highway authority and custodian of the environment. The contrary has proved to be the case. Through its willingness to participate the LDNPA firmly laid a responsibility on to the motoring organisations to propose, execute and deliver reasonable management measures in

advance of unilateral measures being applied. In response the motor vehicle users were given the opportunity to show that they too have a care for the special properties of a national park.

In the Lake District the Working Group for the Hierarchy set out to make the scheme immediately applicable to problem areas in the Park. As the doctrine and philosophy of the initiative were evolving so were applications of management control being piloted. The consequence of this was a very fast process of evolution, acceptance and application for the concept of user-led, non-statutory, authority-approved management measures.

An example of the advisory notices posted at each end of many of the routes in the Lake District which inform users of the nature of the route and any special care and precautions they should take when using the route.



The primary aim of the Hierarchy of Trail Routes initiative in the Lake District National Park has been to assess how it may be possible to manage current and anticipated developing levels of recreational vehicle activity on trail routes. A suite of management techniques has been employed ranging from culture changing programmes, through signing and voluntary restraint, to formal traffic regulation orders and lobbying for new legislation in place of ineffective

statute and regulations. The experiment aims “to eliminate unsuitable use and reduce conflicts between users”. This approach predates and is reflected in Government guidelines laid down in the 1997 document ‘Making the Best of Byways’ (currently under review) which encourages management solutions to problems before resorting to unilateral regulation of use. If one aspect of the initiative stands proud of all others it is that users will respond to dynamic fact-based route-by-route management and honest attempts at management in place of sweeping generalized restrictions. A secondary aim of the initiative was that the principles applied to trail-route management regime should be transportable to other localities.

This portability is evidenced by the management development in North Yorkshire (including the Yorkshire Dales National Park). The Yorkshire Dales NPA, until Spring of 2005, maintained a strict stance of not having any dialogue with recreational motor vehicle users in order to pursue a policy of seeking legislation to prohibit vehicles from green lanes¹. Recreational motor vehicle users felt increasingly marginalised, were granted no meaningful ownership of the problems that are particular to that national park, and as a consequence the activity remained largely unmanaged. Vehicle users questioned if it was appropriate that a public body such as a national park authority should be allowed to sustain a policy of no-dialogue with a legitimate section of its community. They were aware that at the *Consensus in the Countryside Conference 1996* it was stated that “In the last few years, the question ‘should we involve the community?’ has been replaced by ‘how can we involve the community?’ “, and felt that authorities in North Yorkshire could do more to engage users. In Spring of 2005, largely as a response to the *Government’s Framework for Action on Use of Mechanically Propelled Vehicles on Rights of Way*, the YDNPA has asked officers to engage in preliminary talks with all relevant parties on the issues identified². This is now happening in association with the North Yorkshire County Council Green Lanes User Liaison Group, an equivalent to the Lake District’s Trail Management Advisory Group, taking its first tentative

steps to becoming a forum for management, change and decision making within the area. Senior members of YDNPA staff are represented on this group. As in the Lake District, fundamental to this development was that recreational motor vehicle users in the county had taken the initiative of forming themselves into a single cohesive unit with which the authorities could communicate in confidence and trust.

Despite this groundswell of bonhomie and partnership the Lake District National Park Authority maintains the policy view that recreational motor vehicle activity is inappropriate in the Park. Recreational motor vehicle users live with that whilst working closely with the Park Authority in its pursuit of policies which will *develop and apply an integrated approach to the management of access and recreation that will promote innovation and good practice* and whereby it will *work with relevant users, landowners and managers to manage recreational pursuits, resolve conflict, encourage responsible use and promote appropriate guidance* (see section 10 *Access and Recreation* of Park Management Plan – April 2004).

The originally constituted HoTR Group already referred to, comprising only vehicular users, still meets twice yearly with NPA staff members present to answer questions and explain park policy. At these meetings the vehicle users review management regimes and challenge themselves within national park purposes and policies. The HoTR Group provides four members of the NPA’s Trails Management Advisory Group (TMAG). TMAG also comprises NPA Members, representatives of other authorities and parish councils, land managers and user organisations, some of which are known to strongly oppose vehicular activity. The remit of the Group is to advise the National Park Authority and County Council on the management of routes used for green road driving in the Lake District National Park including the use of legal powers where necessary. Through the TMAG, differing opinions are expressed (sometimes strongly) and considered, and multiple options are identified in an open and honest way; but management decisions are reached on the basis that no party will go away and try to scupper them and with

a commitment to abide by the outcomes. Many win-win situations have been created.

Traffic Regulation Orders (TROs) have also been employed with the support of all partners, where voluntary restraint has not been adequately exercised. However TROs have not proved as effective as the Trail Management Advisory Group would have expected. There is evidence that motorcyclists in particular ignore the TRO signs, especially where the need for the Order is not immediately apparent or made known. Motorcyclists have a long history of opposing regulations which they regard as politically or prejudice driven and unilaterally applied orders. Application and enforcement is a problem. Minor traffic offences in remote areas are not a police priority. In most cases, witnesses cannot provide sufficient evidence for the police to believe that a case can be brought to the courts.

Since June 2000 use levels and route condition have been monitored on a number of routes. Other information from a Green Road Activity Register and from a Voluntary Lengthsman Scheme have also been evaluated.

Route condition varies considerably. Upland routes show the greatest signs of erosion. Vehicles, in common with other users, clearly cause disturbance to the surface, but many routes have deteriorated due to a lack of regular maintenance. The action of water and pressure from all users, not just recreational vehicles, has gone unchecked for years. The initiative has identified that without a properly funded and sustained management regime, routes continue to deteriorate, no matter how much control is applied to vehicular use. The result of this is that budgeted programmes of repair, maintenance and future management have been agreed with interested parties, implemented with the support of a dedicated Trails Adviser post, and the quality of the stock of green lanes (trail routes) in the Lake District is possibly better today than it has been in forty to fifty years. Users are committed to keeping it that way. It has also identified that recreational vehicle activity does not create conflicts in equal measure in all parts

of the Lake District. Equally importantly it has identified where conflict is real, not just imagined. Use is concentrated in the south-eastern area, where up to 25 routes are heavily used, many of which are also popular routes to the fells, and in the valleys for walkers, cyclists and horse riders.

In 2001 there was a major review of the Hierarchy of

Members of recreational motor vehicle clubs maintain Gatescarth Pass in the Lake District. Use of this high level route linking Mardale and Longsleddale valleys is regulated by a Traffic Regulation Order, which allows use by a limited number of motorcycles and all-wheel-drive vehicles on one day each month by riders and drivers who have applied to the National Park Authority for a permit to do so



Trail Routes initiative in the Lake District and the key findings from the initiative were that:

- Involving users in decision-making and problem solving can break down entrenched positions of mistrust and result in more effective monitoring of route use and of complaints.
- Voluntary restraint *can* work, although not in every circumstance.
- The number of reported incidents of conflict between users has reduced by 50% since the advisory signs were erected, although compliance has been lower on some routes.
- Voluntary codes and consensus approach to dispute solving is a legitimate part of a management tool-kit.
- More research is needed to assess to what degree compliance is due to restrictions or whether it is physical restraints that deter users.
- The designation of *Privileged Use* routes, (recommended only for members of clubs affiliated to LARA) has so far proved to be an

inadequate management tool. It has been impossible to assess compliance.

- More work must be done by all parties to educate all users in the need to act responsibly and understand the aspirations of all users.
- Local reaction to the Experiment has been mixed. More Parish Councils prefer management than prohibition, but many individual respondents seek to ban recreational vehicle use of trail routes.
- Vehicles, in common with other users, clearly cause damage, but many routes have deteriorated due to a lack of regular maintenance
- Over the period of the initiative the traditional casual use of green lanes has been supplemented by commercial users guiding “customers” on safari type tours. There are concerns that this may not be compatible with the principles of the trail management scheme. There are indications that commercial pressures lead these groups to ignore codes of conduct and voluntary restraint programmes. Research is currently being undertaken by the recreational clubs partners in the HoTR initiative to identify the level of commercial use of routes in the national park, and users have sought legislation that would require the licensing of commercial groups.

The conclusions provided a valuable foundation for reaching decisions on future management of green road driving and riding in the Lake District that are exportable to other areas of the country. The main elements of the scheme that were subsequently employed through to the present day are briefly noted below as extracted from *Trail Management in the Lake District National Park: Issues and Options* (2005).

Trails Management 2002 – 2004

There have been six main elements to the trails management scheme 2002-04:

- Colour coded classification of routes and voluntary restraint
- Monitoring of levels of vehicular use
- Monitoring route condition
- Maintenance
- Traffic Regulation Orders
- Raising awareness

Underpinning the whole management scheme is the colour-coded classification of routes which constitutes the ‘hierarchy’, and voluntary restraint, and which introduces a very visible process of prioritisation of management attention.

The colour-coded system of green, amber and red routes was developed as a management tool during 2002 and implemented out on site in January 2003. This is refinement of an earlier more complex and not easily understood (and therefore inappropriate) route classification system. The classification into which each route falls is agreed jointly by users and the NPA following joint surveys of each route. It is important to note that this is a dynamic system whereby routes can be moved between colour classes if circumstances change.

The definition of the different colour coded classifications is as follows:

- **Green Routes** are those where there is minimal recorded vehicular use, they are sustainable at present and under current levels of use and no problems or valid complaints have been recorded. They are not signed and are inspected annually.
- **Amber Routes** are those where moderate vehicular use is recorded. They are more sensitive for various reasons (popularity with other users, proximity to dwellings or stock etc.) and where an increase of use could lead to deterioration in condition or an increase in conflicts with other users. Advisory signs remain on site only after local consultation. The routes are inspected biannually.
- **Red Routes** are those where significant vehicular use is recorded and have the greatest number of valid complaints in the Activity

Register. They are under the greatest pressure and are subject to the greatest conflict between different classes of user and between users and the environment. Some of the routes cross the high fells and are badly eroded. For these reasons red routes need more active management. Inspection of the routes takes place biannually. Advisory signs remain on site.

Of the 107 routes in the Hierarchy of Trail Routes (HoTR), 61 are green, 23 are amber and 23 are red. These routes are either Byways Open to All Traffic (BOATs) which have proven vehicular rights, or Unclassified County Roads (UCRs) which have presumed but not proven vehicular rights because they are part of the general highway network. This situation is further complicated by the fact that some UCRs are also recorded as bridleways and, occasionally footpaths. These are called 'dual-status' routes. There are 31 in the HoTR. The total length of the HoTR is 173 km or 5% of the rights of way network available in the National Park.

Every amber and red route has an advisory sign at each end³. These signs have route specific advice for motorcyclists and 4x4 drivers to comply with. For example 4x4s are asked not to use certain routes or use others in only one direction. They also inform other users that they may encounter mechanically propelled vehicles on the route.

Every sign contains advice found in the Green Road Code of Conduct. For example, they recommend that 4x4s should drive in groups of no more than four and motorcycles in groups of no more than 6. The Green Road Code is now in its third edition and remains an integral part of the Lake District's trails management scheme.

Trails Management 2005

In 2005 four of the 107 routes in the National Park are subject to Traffic Regulation Orders. Three are Permanent Orders of varying types; one being applied at the discretion of the Trail Adviser according to weather and route conditions; one being seasonal to

prevent use of a stream crossing adjacent to a salmon spawning area; and the third regulating use of a highly sensitive and fragile route to just one day in each month to a limited number of users (4x4s and motorcycles) who have been issued with a permit on application. The fourth route, which has recently been extensively maintained, is subject to an Experimental TRO (ETRO) which is piloting the effectiveness of horse stiles and a further variation on regulation by issue of permits.

2005 has also seen the implementation of a "Raising Awareness" campaign that has drawn the recreational motor vehicle retail trade and media into an education programme aimed to reach users who are not members of local clubs or user groups. In order that the campaign's effectiveness can be evaluated this programme is being focused on a specific area of the National Park where unlawful use of footpaths and bridleways by motor vehicles is a particular problem.

The effort that the NPA and local users have put into this initiative and the long-held aim that all its elements should be transportable to other locations throughout the country, has resulted in this pioneering work having wide influence. The expertise of National Park Authority staff and representatives of users has been drawn on in various steering and working groups and by the national press. It is anticipated that the revision of DETR/Defra guidance *Making the Best of Byways*, currently in final stages of production, will carry extensive referencing of the good practice developed in the Lake District.

During 2005 the LDNPA and users are committed to a thorough review of the trails management initiative in light of the extensive work carried out in the previous five years. This review must reflect policies contained in the National Park Management Plan 2004 – 2009 which pledges the Authority to *work with relevant users, landowners and managers to manage recreational pursuits, resolve conflict, encourage responsible use and promote appropriate guidance and collaborate with others to ensure that recreational activities, such as recreational green road driving, ... do not have a detrimental impact on local*

communities, nature conservation interests, historic features or the landscape

Both the National Park Authority and users know that they are under close scrutiny from all angles.

References:

All photographs credited to Geoff Wilson

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¹ See paper to 14 April 2005 meeting of Yorkshire Dales National Park Access Committee, Objectives for Management of Green Lanes.

² See minutes of 14 April 2005 meeting of Yorkshire Dales National Park Access Committee

³ Except Gatescarth Pass, which is managed by a permanent Traffic Regulation Order.

Geoff Wilson is Chairman of the Hierarchy of Trail Routes in the Lake District Group, a member of the Lake District National Park Authority's Trail Management Advisory Group, a member of the Lake District National Park Local Access Forum and the Yorkshire Dales National Park Local Access Forum, a member of the Countryside Agency Lost Ways Advisory Group, Chairman of the Cumbria Rights of Way Liaison Group and Chairman of the Trail Riders' Fellowship. He is also past Chairman of the Motoring Organisations' Land Access and Recreation Association and past Chief Executive of the governing body for motorcycle sport in Great Britain, the Auto-Cycle Union.

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