

Draft UUR 'position statement' (draft 9)

There is some ambiguity in official guidance as to a Local Access Forum becoming involved in issues concerning Unsurfaced Unclassified Roads (UUR). These are Category 6 local roads included on the List of Streets as publicly maintainable highways, and colloquially, but incorrectly, known as 'green lanes'.

UURs are valuable rural routes used by walkers, cyclists, horse-riders, carriage-drivers, recreational motorcyclists and 4x4 drivers in the countryside.

In line with DEFRA guidance, North Yorkshire Council has issued a position statement regarding UURs:- *the County Council acknowledges that the extent of public rights over those routes must, as a minimum, extend to pedestrian use though higher public rights may well exist, this is a matter for assessment on a route-by-route basis. Use of UUR's by the public beyond pedestrian user will not generally be prevented by the County Council except where circumstances dictate that control or prevention of such use is appropriate.*

The North Yorkshire Local Access Forum acknowledges the stance taken by the highway authority; however, the Forum is of the opinion that it is a reactive response rather than a proactive response to the problems of UUR management.

Unsurfaced Unclassified Roads are maintained at public expense. There is another class of generally unsurfaced public highway known as Ratione Tenurae (RT) routes. These are public highways maintainable by the landowner, and in some cases have been 'surfaced'. Issues with RT routes can invariably lead to complex legal dialogue as to ownership and definitive public rights as outlined above.

Although included on the List of Streets, UURs are not included on the Definitive Map of public rights of way and do not form part of the public rights of way network. However, they are part of a network of recreational routes, without which there would be much fragmentation and loss of holistic amenity. Based on the available evidence, the Forum supports the view that these roads have vehicular access. This presumption does not rule out a route having lower rights if this is subsequently proved.

The Forum also recommends that, in light of the possible reclassification of public rights of way imposed by the Deregulation Act 2015, the authority should consider taking a proactive stance in classifying UURs, so that they can be added to the Definitive Map.

In line with other access fora in the region, the North Yorkshire Local Access Forum regard UURs (and RT routes) as part of the public rights of way network.