

# GLEAM



Green Lanes Environmental Action Movement

Patron: HRH The Duke of Edinburgh KG KT

**A NEWSLETTER for those interested in protecting ancient ways from the ravages of use by motorised recreational vehicles.**

**AUTUMN 2001**

## **The Next Step Where do we go from here?**

Resting on laurels is a notoriously comfortable position to adopt, notorious in the sense that people get lulled into complacency. GLEAM's campaign has - so far - been successful in that we have managed to get certain measures on to the statute book as part of the *Countryside and Rights of Way Act 2000*. However, the relevant sections have not yet been enacted via secondary legislation. Why are we waiting and for how long?

But that is only the end of the beginning.... Although RUPPs are to be classified eventually as restricted byways, existing BOATs are by no means protected from off-roaders' damage yet.

Urgently needed is the recognition by the police and by magistrates that the burden of proof of whether a lane carries vehicular rights is now on those who claim such rights. There is, in addition, the iniquitous system whereby a complainant has to demonstrate that there has never been public wheeled traffic on the lane. This amounts to having to prove a negative - which is impossible. Prosecutions should now follow routinely and should succeed.



Our Patron, the Duke of Edinburgh, driving along what must surely be an undamaged green lane.

### **Stop Press....Stop Press...**

Derbyshire Bridleways reopened by the County Council are again being abused by large, organised groups of TRF members attempting to intimidate landowners and legitimate users. They are being advised by officers to ride so-called marked-up routes (by them!), and claim evidence of vehicular rights if challenged.

How long is this farce going to be allowed to continue, and what provisions of the Countryside and Rights of Way Act will be enforced?

## As the other side sees it...

*The following is an excerpt from an article on the website of the Leicestershire & Rutland Land Rover Club. It is written by a former Committee Member of this club. We publish it without comment, as an indication of the feelings of some of the off-roading fraternity following the passing into law of the Countryside and Rights of Way Bill.*

### Life in the not so Green Lanes.

Unless you have spent the last two years on planet Zogg, you will have heard of the "Countryside and Rights of Way Bill, which became law in February 2001. This is probably the most important piece of legislation with respect to Rights of Way since the Mass Trespass of Kinder Moor in the 1920s. Unfortunately, as the Act is tailored for the many, the minority may lose out.

We have become the "smokers" of the rights of way users. Everybody knows about the damage we cause, and no matter how hard we try to justify our sport, it is very difficult in view of the opposition we encounter. I personally think that in the future, looking at the pressures on the rights of way network, that green laning will become socially unacceptable. The writing is clearly on the wall in the National Parks. It is hard to justify vehicular use when you look at the state of the Viking Way, for example. The odd green lane day may win a battle or two, but the war is lost. Hopefully, we will keep some of our routes. Perhaps now is the appropriate time to give our heartfelt thanks to the 4wd magazines, both enthusiast and international, for organising green lane runs and the 4wd safaris, which have pillaged and raped the rights of way network in the same way as the Vikings did our maidens. Without your abuse we could never have got into this situation. Perhaps some of your profits will find their way into the restoration pot!!!! I think not.

**N.B. Disclaimer.** I did not and never meant harm to Smokers or Vikings, but I did mean all the rest, especially the bit about Driving Safaris and 4wd magazine "Carve up the Countryside Days Out, at an Extortionate Price"!!! These are my views, and do not represent the Club in any way, shape or form.

Best Wishes, Ian.

## EDITOR'S NOTES.

### The New House of Commons.

No fewer than 79 MPs of all parties were honorary members of GLEAM in the last Parliament. The vast majority were re-elected; those who were not had almost all retired from Parliament.

The next task is to recruit the "replacements" of retired MPs as honorary members and asking new ones to join. Our honorary members have been a great help during the passage of the *Countryside and Rights of Way Bill* through both Houses of Parliament. It would be enormously helpful if GLEAM members would write to their MPs asking them to support us.

### A Great Adventure?

From time to time members send in notices which they have picked up in garages or pubs offering "Off-Roading Adventure Days" on what appear to be green lanes - RUPPs or BOATs - such as The Ridgeway in Wiltshire, Oxfordshire and Berkshire.. Despite making enquiries, it has been difficult to track down the organisers of these offers. Other tuition in off-roading takes place on privately owned farms. This is, of course, perfectly legal. But it is totally inappropriate to test one's skills as a driver on public rights of way, to the disadvantage of all other users. Who gains? The manufacturers of four-wheel-drive vehicles and trailbikes as well the publishers of magazines devoted to off-roading spring to mind.

If any members find or are sent offers of off-road drives, please, let me have details of any successful enquiries about them.

## **Jonathon Porritt, who is an honorary member of GLEAM, writes:**

**The increasing use of “recreational” vehicles in the countryside is frightening walkers and disturbing wildlife, but now there’s light at the end of the tunnel, and it’s called GLEAM.**

At the end of April, most walking in Gloucestershire was still off limits because of foot-and-mouth, but many people are beginning to wonder what effect the closure of footpaths has had. There is mighty little evidence of any incident caused by walkers, even in the most seriously affected parts of the country.

Of course, the closures may have had a positive side and been beneficial for wildlife. Ramblers tend to forget that even the most responsible use of footpaths still entails a substantial impact on the normal routines of many different species. But I’m not here to condemn the great army of foot soldiers that would normally be spreading out into the countryside at this time of year, but rather to sing the praises of one small platoon of that army - the Green Lanes Environmental Action Movement (GLEAM).

GLEAM is a small group of people with a passion for green lanes and a fanatical determination to put an end to the damage being done to them by off-road vehicles. Over the past few years, an ever larger number of impressionable men have been seduced into buying trail bikes and four-wheel drive vehicles that are totally unsuitable for the suburban environment in which they live.

Off to the countryside they charge, churning up open land and bridleways, endangering walkers and livestock, and often causing such damage as to make the worst affected lanes all but impassable. The scale of this vandalism has grown inexorably over the past 10 years, and, to their chagrin, campaigners discovered that the law was of little use to them. Few people were ever arrested, and even when they were charged under the 1988 Road Traffic Act, it turned out that there were technical loopholes defendants could use to escape punishment.

GLEAM came on the scene in 1995 to put a halt to this recreational mayhem. It started by building up support among MPs and peers, getting the media involved and assisting local campaigners with expert advice. Then the Government announced its long-awaited Countryside and Rights of Way Bill in March last year to promote “the right to roam” on certain kinds of open land, and a tiny window of opportunity opened up for GLEAM through the proposal to designate roads used as public paths [RUPPs] as “restricted byways”. That’s when the work really started.

Steering such measures through the arcane and often perverse processes of our parliamentary democracy is a nightmare at the best of times. But, despite this, when the Bill became law at the end of last year, the measures to protect footpaths and bridleways were all in there, though we will now have to wait for secondary legislation to see the new measures put into practice.

This is still fantastic progress and another inspiring example of the small battalions eventually winning the big battles.

**The above article appeared in the June edition of the BBC Wildlife Magazine. It is reproduced in full here by kind permission of the author and of the Editor.**

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**Jonathon Porritt is the chairman of the Sustainable Development Commission and programmes director for Forum for the Future.**

## **Is the Countryside Agency going in the Right Direction?**

The Countryside Agency, formerly the Countryside Commission, recently commissioned a firm of consultants to undertake a landscape assessment of the North Wessex Downs Area of Outstanding Natural Beauty. In April the consultants produced an Integrated Landscape Character Assessment Technical Report (Consultation Draft). This ran to 255 pages and 4 appendices, on which GLEAM has commented at length and in detail.

In carrying out their assessment and preparing their report, the consultants made a very wide-ranging and competently executed study of the many factors influencing the landscapes of the North Wessex Downs - with one exception. In the whole of their report the only reference to the damage done to green lanes by recreational off-road motor vehicles (off-roaders) was to say "Traffic on the Ridgeway and other byways remains a concern". We would add "And how!" The consultants' manner of dealing with this problem was totally inadequate; they had simply swept it under the carpet.

The greatest and most historically famous green lane on the North Wessex Downs is the Ridgeway. After extensive abuse by off-roaders, the condition of the surface of many sections of the Ridgeway is nothing short of a disgrace. Sadly, this applies equally to many other BOATs and RUPPs on the North Wessex Downs. As GLEAM members will be only too aware, this is a major and serious problem, not just on these Downs, but throughout Britain.

The object of GLEAM's attention is rural green lanes. These lanes themselves are major elements in many landscapes; but their main role is as a means of access whereby members of the public can get into these landscapes to appreciate their beauty, tranquillity, interest and value. But if unsurfaced green lanes have been churned up by off-roaders (4x4s and trailbikes) to such an extent that they are virtually impassable to all other users, their value as a means of access to the landscape is lost.



The consultants have thanked us for raising the issues concerning green lanes. They have told us that these will be included in the final report, to be published in Autumn 2001 and submitted to the Countryside Agency. In the past this body, like its predecessor, has taken a rather ambivalent attitude to the problem of the damage done to green lanes by off-roaders. We only hope that the Agency, as the main adviser to the government on countryside affairs, will take our comments on board - and will act on them.

# Who's Who at GLEAM.

**The Chairman.** David Gardiner is a farmer and landowner in Berkshire. He was High Sheriff in 1988-89 and is a Deputy Lieutenant for Berkshire. A past Chairman of the Berkshire Committee of the Country Landowners Association, he was member of an Environment Agency Advisory Committee from 1995 to 2001. David started a personal campaign to protect green lanes from vehicular damage following the wet winter of 1993-94. He is the co-founder of **GLEAM** and has become an expert on rights of way matters.

**The Vice Chairman,** Christopher Marriage, was both a county and unitary authority councillor and chairman of their Environment Committees. His knowledge of countryside matters generally is invaluable to **GLEAM**.

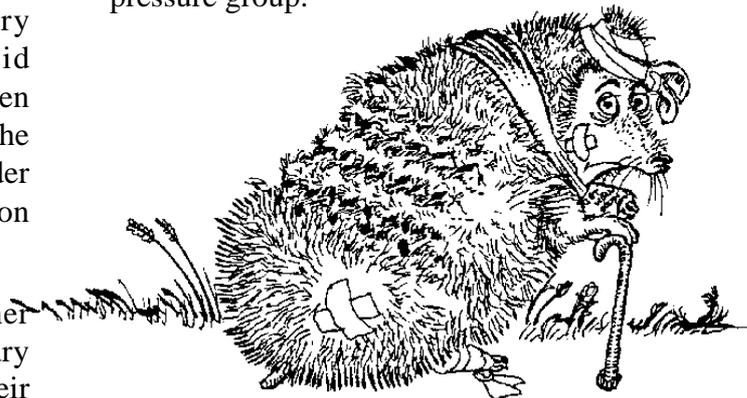
**The Hon. Executive Secretary.** Elizabeth Still, a now retired magistrate, was a Berkshire County Councillor when she became aware that not only The Ridgeway, but lanes all over the country had been turned into quagmires. After getting some good media publicity - local and national papers and television - she and David Gardiner set up **GLEAM**. Elizabeth is also the current chairman of the Berkshire Branch of CPRE.

**The Treasurer.** David Marr has a law degree and was director and company secretary of various companies. He became extremely concerned about the damage caused by off-roaders near his home, and was one of the earliest members of **GLEAM**, agreeing to become treasurer.

Other committee members are Andy Dunlop, Marlene Masters and Felicity Turner. (See Rights of Way Experts.)

Within a few months of the founding of **GLEAM** hundreds of members from all

over England and Wales had been enrolled. **GLEAM's** office continues to be in the hon. executive secretary's dining room. Databases were set up, lobbying of MPs and members of the House of Lords followed, newsletters are produced, contributors chivvied, envelopes stuffed and dispatched, letters sent out to enquirers, etc.; in short, all the various activities needed to run what became, and continues to be, an influential nationwide pressure group.



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## Rights of Way Experts.

**GLEAM** members will be aware that at any one time there are very many cases where classification, dedication and other issues concerning individual footpaths, bridleways and byways are being fought out at local level, in the High Court and the Court of Appeal. Barristers who specialise in rights of way matters appear in such cases. But in many instances they are briefed and supplied with the necessary information, including case histories, precedents etc. by people who have become experts through having been involved in disputes, often over many years.

The inclusion of certain sections of the *Countryside and Rights of Way Act* relevant to the objectives of **GLEAM** was greatly helped by the expertise of several **GLEAM** members during the passage of the Bill through Parliament.

These objectives were, in a nutshell, to stop the misuse by motorised vehicles of green lanes where they have no right to be in the

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## GLEAM - Working to protect peaceful and quiet enjoyment of the countryside

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first place, and to prevent damage to those lanes which may be used by them under certain conditions.

**John Riddall** recalls that when he was very little, on seeing a wood being felled for a housing development, he asked “Why are they pulling down the countryside?” His interest on this score has remained with him. But it wasn’t until middle life and after many years total immersion in gliding, that he became actively involved - first through the Council for the Protection of Rural England (CPRE) and then as Countryside Secretary of the Derbyshire Dales Group of the Ramblers’ Association. His interest in walking and rights of way matters has followed on.

Before his retirement he taught law at Leeds University, and for the past two years he has been working with John Trevelyan on the third edition of their book, a book which has become known as the Blue Book - *Rights of Way: A Guide to Law and Practice*. The new edition has recently been published.

John is a member of **GLEAM** and gave invaluable support over the famous (notorious?) Grimsall Lane issue.

**Andy Dunlop**, is a fire officer with the Cambridgeshire Fire Service. His interest in damaged green lanes arose when off-roaders started to use a RUPP which ran past his house, which everyone had treated as a bridleway, but which Cambridgeshire County Council tried to reclassify as a BOAT. He took on the County Council in an epic fight, having to go as far as the High Court to win his case by showing conclusively that no public vehicular rights had been shown to exist over the lane. The case turned on the difference between public and private rights of way, and became a landmark case. (*Dunlop v Secretary of State for the Environment & Cambridgeshire County Council*.)

Andy has become an expert on rights of way matters and advises people who are engaged in disputes with their local authority on reclassification of green lanes and other problems including their illegal use by off-roaders.

**Marlene Masters** is, she says, “just an ordinary farmer’s wife”. She has been

engaged in long-running battles over the reclassification of a green lane near her home in Somerset. In the course of this she has become an authority on the interpretation of old Ordnance Survey maps and historical documents, researching in County Archives, the National Records Office at Kew and the Map Room of the British Museum, She has acted as an expert adviser to a number of people engaged in rights of way disputes.

Both Andy and Marlene are affiliated members of the Institute of Public Rights of Way.

**Felicity Turner** organises equestrian training in Derbyshire. She had to become an expert on rights of way matters since violent confrontations with the Trail Riders Fellowship (TRF) began in 1991. These are riders of motorbikes whose hobby it is to ride on green lanes. There was orchestrated use by force of a definitive bridleway near Felicity’s home on a regular basis.

The inability of the police and the Crown Prosecution Service to enforce the intentions of Parliament regarding motorised vehicular use of bridleways (due to poor drafting of the *Wildlife and Countryside Act 1981*) led to her membership of **GLEAM** and to being part of the campaign to get the law amended.

**GLEAM** is also in touch with professional lawyers and surveyors who are experts in rights of way matters. Members can be put in touch with them on request - with s.a.e., please.

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Published by GLEAM. Chairman: David Gardiner.  
Executive Secretary and Editor: Elizabeth Still

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unnecessary damage. If  
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