

# 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 2005**

## **The Green Lanes Protection Group**

Since our last Newsletter GLEAM has been instrumental in putting together an informal group of like-minded organisations, many of them much larger than GLEAM, which can speak with one voice to the Government on the control of motor vehicles on unsurfaced Rights of Way. At the time of writing there are 14 members of this group, but this number may increase:

Battle for Bridleways Group, British Driving Society, Campaign for the Protection of Rural England, Campaign for the Protection of Rural Wales, Council for National Parks, Country Land and Business Association, Cyclists Touring Club, Friends of the Lake District, Friends of the Ridgeway, GLEAM, Long Bostle Downland Preservation Society, Ramblers Association, South Wiltshire Rights of Way Preservation Society and Yorkshire Dales Green Lanes Alliance.

The reason for GLEAM's initial leadership of GLPG is that, of these organisations, it is the only one that is both single-issue and national. All the others are either multi-issue or local or both. Your Chairman was asked to chair the group, which he did for the first meeting. However, he found that he did not have time for this among other commitments, and handed over the chairmanship to Ian Ritchie, chairman of Friends of The Ridgeway and a very good friend of GLEAM. Graham Plumbe, who is Honorary Adviser to GLEAM, continues to be invaluable in the expert advice that he gives to the group.

The main focus of GLPG is Part 6 of the *Natural Environment and Rural Communities Bill*. This Bill was published by the Government very soon after the General Election on 2<sup>nd</sup> May. Second Reading was on 6<sup>th</sup> June, and the Committee Stage for Part 6 on 30<sup>th</sup> June, for both of which MPs were briefed. Only five clauses in the Bill concern Rights of Way, but they are vital. If they are enacted they will be of immense help to our cause.

However, there is one loophole in the proposed legislation through which one could drive a whole convoy of 4x4s. The main point at issue is the commencement date for these clauses, and the cut-off date for applications for byway status. In its Consultation Document of December 2003 the Government gave notice of its wish to end the creation of new byways based on evidence of historic horse-and-cart use; but it said that there would be a one-year period of grace for such applications to be submitted after the introduction of new legislation, and that all such applications would be dealt with under the old rules because of human rights. Having been given this warning, the off-road organisations have been furiously preparing literally thousands of applications so as to get them in before the cut-off date. If these succeed, there will be virtually no green lanes left.

GLPG, and MPs in Committee, have argued that the commencement date for these clauses should be the enactment date of the Bill; and that the cut-off date for applications should be the same date or, better still, retrospectively to some date perhaps as far back as December 2003. The Government have said that they have had legal advice that, under Human Rights legislation, there has to be a reasonable period between the commencement of new legislation and the cut-off date. Through the good offices of CPRE, GLPG has obtained free Counsel's Opinion from one of the foremost Rights of Way

Cont d on page 2

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

QCs in London that this is not so, and Counsel has advised on some fairly simple amendments to overcome related dangers in the Bill.

Core members of GLPG have had one meeting with the new Minister, Jim Knight MP, on 20<sup>th</sup> June, and another is scheduled for September. The final outcome of this whole issue is still uncertain, and a full report will be given in our next Newsletter. **David Gardiner**

---

---

## **Progress on The Ridgeway .**

Amongst all the problems we have in fighting to save our precious green lanes, it is good to report a success story. Thanks to some very vigorous campaigning by The Friends of The Ridgeway, ably supported by GLEAM, most of the sections of the Trail currently legally open to motor vehicles will in future be subject to a seven months per year winter ban on recreational motor vehicle use.

The Friends of The Ridgeway have been calling for a complete ban on non-essential motor vehicles on the ancient Ridgeway for over 20 years. Sadly, little success was forthcoming and a vital public inquiry was lost in the early 1990 s. A voluntary Code of Respect was introduced at that time but was widely disregarded by the motor vehicle users. The Trail became ever more severely damaged and the local highway authorities and the Countryside Agency appeared to bend over backwards to accommodate the vehicle users. In the face of this, The Friends of The Ridgeway girded their loins and our campaign took a much more aggressive approach some four years ago.

We recruited a wonderful President (the late Chris Brasher) and a high profile Patron (Sir Chris Bonington). We mounted a very effective public relations onslaught and got extensive coverage in the local and national press and on local radio and television. We persuaded all the MPs with constituencies along the Trail to join us, giving us all-party support in parliament. In addition a number of Peers joined our cause, most notably Lord Bradshaw who has been a highly effective advocate for us in the Lords. He also became our President after the untimely death of Chris Brasher. We represented our views vigorously to the local authorities concerned (mainly Wiltshire, Oxfordshire, West Berkshire and Swindon Borough) and to the Government. In short, we made a lot of noise and got noticed.

We managed to get the Rural Affairs Minister, Alun Michael, to visit The Ridgeway on a number of occasions and to see the damage at first hand. Through some adroit political manoeuvring by Lord Bradshaw, we got a clause inserted in a bill passing through parliament that gives the Secretary of State the power to ban motor vehicles on National Trails. With this as a threat, Alun Michael then put pressure on the local authorities to come forward with plans to protect The Ridgeway. It was directly as a result of this, but not before more pressure from us, that the councils started to consider the use of Traffic Regulation Orders (TROs) on the Trail.

Each of the councils has taken a slightly different line in trying to solve the problem. Wiltshire County Council took the most positive approach and immediately started the consultation process to introduce a permanent seasonal (winter) TRO on the whole of The Ridgeway in their county. This went through smoothly and was introduced over the winter of 2004/5. West Berkshire left it too late to consult on a permanent TRO, so used their powers to apply a temporary TRO for the winter of 2004/5. Oxfordshire took yet another approach, introducing temporary TROs for 2004/5 on what they considered to be the worst sections of the Trail in their county. Swindon Borough did nothing.

What were the results of all this? Despite some poor signage, a vast reduction in the numbers of recreational motor vehicles using the Trail over the winter, particularly in Wiltshire and West Berkshire, with a consequential improvement in the surface over the traditional ruts and mud. In Oxfordshire the piecemeal approach proved confusing to all user groups and a real problem for the police to enforce. Nothing changed in Swindon Borough.

So where does that leave us for the future? In

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

Wiltshire, of course, there is a permanent ban on non-essential motor vehicles on The Ridgeway from 1<sup>st</sup> October to 30<sup>th</sup> April each winter. I am pleased to report that Oxfordshire County Council has learned from its experience last winter and is introducing a permanent winter ban starting this year and applying every year henceforth. West Berkshire is in the process of consulting on introducing a similar arrangement as I write and we are confident that they will also have a permanent TRO in place from the coming winter. Taken together, this will give 7 months of the year protection to 36kms out of the 40kms currently legally open to motor vehicles. The other 4kms? Swindon Borough, who, in all our dealings with them, proved consistently why they are rated as one

of the worst performing councils in the whole of the UK.

We will continue to press for a complete year-round ban, but we take great heart from what we have achieved. I hope what we have done will encourage others to fight for the green lanes that they hold dear. I really do believe that there is a growing appreciation by local and national politicians that we must protect our precious countryside for the quiet enjoyment of walkers, cyclists and horse riders, and I am optimistic that legislation currently passing through parliament will be a big boost to this. Keep fighting!

**Ian Ritchie**  
**Chairman. - Friends of The Ridgeway.**

---

## Further News from Derbyshire.

In the Spring newsletter of this year members were alerted to the fact that there had been successful prosecutions of motorcyclists who had previously ridden on a bridleway with apparent impunity. Here is the Press Release sent to the media on 17<sup>th</sup> June giving the successful outcome at last of a prosecution for this type of offence. This is because the onus of showing that a right of way had vehicular rights had been shifted to the defendant rather than the prosecution proving that such rights did not exist. This could only be done by showing beyond reasonable doubt that the lane had at no time ever been used by wheeled vehicles, which is a practical impossibility.

Nigel Paul Mycock from Biddulph, Staffs, appeared at Chesterfield Magistrates Court for the third time on the 6<sup>th</sup> June 2005, having pleaded guilty to riding his motorcycle on Piper Lane bridleway on 13<sup>th</sup> March 2005. He was the fifth individual to be prosecuted for the offence and was fined £100 plus £43 costs. The magistrates, clearly aware of the problems being caused by illegal motorised use of bridleways in Derbyshire, stated that lawful users had a right to safe and peaceful enjoyment of these rights of way .

Mr. Mycock was one of a group of ten stopped by the landowners, and who then forced their way past by driving at them, saying they were Trail Riders Fellowship (TRF) members, using a TRF map, and that they had a right to use the lane. In mitigation, the defendant claimed to be a new member of the Peak Group of the TRF on his first organised run, was following his leader, and did not know he was riding illegally.



*Alien invaders? A confrontation on Piper Lane Bridleway*

All other members of the group were unidentifiable due to having deliberately obscured number plates, which was confirmed by professional enhancement. The entire group was driving dangerously and aggressively with no regard for the safety of others. This incident was one of a hundred reported to the police in the last fifteen years on this bridleway, many involving violence towards the landowners.

**Cont d on page 4**

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

Thanks to Harry Barnes, the now retired MP for the area, GLEAM and other MPs and members of the House of Lords, Section 34 of the Road Traffic Act 1988 was amended in January 2001 to ensure that prosecutions took place. Piper Lane and Grimsell Lane were featured in the Politics Show on TV in October 2004, in which the issue was highlighted. But the TRF refused to appear, denied that they were using bridleways, never had groups of more than six members together, were using legal bikes on legal carriageways, and did not use Piper Lane because it would be illegal to do so .

The TRF are paying their members £250 for each successful claim for upgrading to byways of existing bridleways and other lanes. In Derbyshire alone over 300 such applications are expected by the local Highway Authority, likely to cost many thousands of pounds to process even if unsubstantiated. Urgent action is needed as promised by the new Minister, Jim Knight, to curtail this threat to the countryside.

### **Sylvie Dimmer, a new member from Wiltshire, wrote on joining GLEAM:**

The woods where I have walked for 20 years have now become impassable for cyclists, walkers and families. The one footpath that is walkable in the woods is now slowly also being eroded and a situation has arisen whereby walkers and others are dragging logs and debris across the path to try to stop vehicles, ie motorbikes and 4x4s. It is a ridiculous and dangerous situation.

## **New Members of Parliament join GLEAM**

At the General Election in May of this year **GLEAM** lost 22 of its honorary MP members who had either lost their seat or did not stand again. Since then all new MPs have been contacted and at the time of writing we have 85 in the new Parliament.

Among the many MPs who are very well aware of the rights of way problem in their constituency are an old one, Patrick McLoughlin (W. Derbyshire) who has no sympathy with off-roaders who cause damage and mayhem, and has given advice and help to his constituents. Among the new ones is Ed Vaizey (Wantage), who has a part of the Ridgeway in his patch and who has offered to help **GLEAM** in any way he can.

MPs are frequently briefed by **GLEAM**, but our members must keep up the pressure on them, too.

## ***“Off-road or off-limits?”***

**The Council for National Parks** has published a booklet about the problem of motor vehicles on lanes in the National Parks. The Council's survey found that both legal and illegal use of these vehicles is having an impact on the landscapes, wildlife and tranquillity of several National Parks. It also affects those making a living from the land as well as walkers, cyclists and horseriders seeking quiet enjoyment

*The new Natural Environment and Rural Communities Bill plans to put an end to the ability to claim modern day motor vehicle rights using evidence from the horse and carriage era, but needs to be more robust and could usefully be amended to give National Parks more powers.*

**GLEAM** is delighted to note that the Council for National Parks appear to have caught up with what **GLEAM** has been saying for years. Off-road or off-limits can be viewed at [www.cnp.org.uk](http://www.cnp.org.uk)

## An Appeal from a Farmer

The following letter was sent to David Cameron, their MP, by GLEAM members on 16<sup>th</sup> July 2005 and speaks for itself. For obvious reasons no name or address is given.

Dear Mr. Cameron,

**Re: Right of Way: Akeman Street, Witney, Oxfordshire.**

We are writing to you in the hope that you may be able to help us in our current situation.

Akeman Street runs through our farm and along the bottom of our garden. The Definitive Map shows it as a Road used as Public Path (RUPP) predominantly used by walkers and horses, and there were previously no major problems. Since 1992, however, we have had to open up the right of way to all vehicles, although the Council aren't able to tell us specifically which vehicles are permitted. The result is that we now see very few walkers and horse riders, the track is badly rutted in places and difficult to walk on, and we are plagued increasingly by motorbikes and 4-wheel drives, not only on the right of way itself but on our land. Over the years we have had hare-courers, drug dealers, joy riders (leaving burnt-out cars etc), and the farm has been prone to acts of vandalism and theft (including furniture stolen from our house when it was vacant).

There have been instances of raves and gypsies coming on to the land over the years, but the grand finale was on Sunday, 3<sup>rd</sup> July when, while we were away on holiday, they actually decided to hold a rave on the farm. This apparently started in the early hours of Sunday morning, continued throughout the day and would have continued on Sunday night had the police not persuaded them to move. The volume of noise was such that the police were inundated by calls from people in nearby villages as well as closer to home. They left mess and litter on the farm, terrified the horses in the next field, had fires next to crops and have ruined several hay and crop fields. A police officer was at the site but there was little he could do. The local police had only a few officers on duty that night, two of those on the desk. The local council was contacted from the noise angle, but no-one from the council was actually known to have come. As a right of way we are not allowed to lock the gate at night as private individuals or commercial premises would do in similar circumstances to protect their property so we can do nothing to protect ourselves.

I subsequently attended the monthly meeting of the Parish Council on 11<sup>th</sup> July as the rave was one of the topics for discussion. At the request of the Council the police also attended. I was shocked to hear that there are only six officers to cover the whole West Oxfordshire area and that, due to lack of officers they felt that they could not arrest anyone at the rave for fear of being overwhelmed by drunken yobs high on drugs and alcohol. Some of the cars were untaxed, but the police had no option but to wave them on to the public road. We would like to stress at this point that we are not finding any fault with the local police; one of the officers in particular has always been extremely helpful and has done as much as he can in difficult circumstances. Last weekend he rang us to recommend locking our gate at night because there were reportedly vans in the area looking for a site.

The County Council have told us that many such rights of way will shortly be turned back to bridleways, but ours will be kept open as there is an application outstanding (presumably by the owner of a 4 wheel drive) to turn Akeman Street and several other local connecting rights of way into byways open to all traffic (BOATs).

All we want is a return to a more peaceful life, without the constant worry about who is going to turn up on the farm, knowing that, if something like this reoccurs, we will have little power to do anything about it and that no-one appears to care as it is not their responsibility.

We seek your assistance in our wish to return the Akeman Street right of way back to a footpath/bridleway for the use of people who genuinely enjoy the countryside, and, as an interim measure, your assistance in getting the gate at the bottom of the farm locked during hours of darkness.

Thank you for considering our letter. Please contact us if you require any further information.

Yours sincerely,

## The Surge in Byway Applications

In its Consultation Document of December 2003 the Government gave notice of its wish to end the creation of new byways based on evidence of historic horse-and-cart use; but it said that there would be a one-year period of grace for such applications to be submitted after the introduction of new legislation, and that all such applications would be dealt with under the old rules. Having been given this warning, it was inevitable that the off-road organisations would prepare literally thousands of applications, so as to get them in before the cut-off date. GLEAM knew from its grass roots that this was happening, and that it would lead to a tidal wave of applications, which would overwhelm local authorities.

In the debate in the House of Lords on 10<sup>th</sup> January (reported in our last Newsletter) the Parliamentary Under-Secretary of State, Lord Whitty, made this amazing statement:

*There has been a surge in a few areas, but in general there has not been a surge in claims.*

We knew this to be untrue, and wrote to Lord Whitty asking the basis of his statement. We received a reply from the then-Minister, Alun Michael, who said that it was based on a telephone survey by Defra in November-December 2004. This was of only 41 local authorities, many of which were urban, with virtually no green lanes in their area, and not even highway authorities. This was clearly a very inadequate and misleading survey.

To refute Lord Whitty's statement, in February-March GLEAM undertook its own written survey of 102 County and Unitary Councils, plus 4 National Parks. To this we had a 94% response. We asked, among other details, how many BOAT applications each authority currently had on file, how many of these had been received since December 2003, and how many more they expected to receive before the cut-off date. The answers showed quite clearly that the anticipated tidal wave was building up, but had not yet fully struck. At the current rate, it would take one county 145 years to clear its expected backlog of applications. These answers were set out in a large Excel spreadsheet, with the Defra figures for comparison. The Defra figures bore no relation to ours.

From the full spreadsheet we derived a summary table, showing for each authority the Defra figures, and our figures for the applications in hand at December 2003 and at March 2005, together with the expected applications before cut-off date. This clearly showed the build-up of the surge. It was sent with our comments to Alun Michael, who accepted it as being more accurate than the Defra survey. The table has since been given to Jim Knight.

Later we were asked by the Secretary of the Rights of Way Review Committee (of which GLEAM is a consulting member) for a copy of our survey results. Three documents were sent, the questionnaire, the full spreadsheet and the summary table; but only the summary table was then distributed to Committee members. The Chief Access Officer of one County Council spotted one relatively minor error, which she blew up out of proportion to the whole Committee. We gave an explanation and an apology, which she acknowledged and appeared to close the matter. To the best of our knowledge there are no other errors in our figures.

However, the representative of LARA on the RWRC then sent a scurrilous and libellous e-mail to all members of the Committee denigrating GLEAM. The representative of the Trail Riders Fellowship also jumped on this bandwagon, and, having failed to read correctly the column headings in the table, sent out a number of e-mails repeatedly trying to brand GLEAM as liars. This story was then taken up by the journal of the Byways and Bridleways Trust. There is absolutely no truth in these allegations, which GLEAM is robustly refuting.

GLEAM has now been invited to attend the next RWRC meeting in October, when we will set the whole matter straight.

**David Gardiner**

## **EXPERIMENTAL TRAFFIC REGULATION ORDERS IN THE YORKSHIRE DALES NATIONAL PARK**

The fundamental statutory duty of national park authorities is to conserve and enhance the natural beauty, wildlife and cultural heritage of the landscapes in their charge. The Yorkshire Dales National Park Authority believes that this duty requires them to declare that recreational motor vehicles on green lanes in the park are inappropriate. The problem of 4x4s and motorbikes on green lanes is particularly acute in the Dales because, historically, many of the finest tracks - including those, such as Mastiles Lane, that have iconic significance — bear vehicular rights. Recreational vehicle users have long known this, and have made full use of the lanes, wrecking numbers of them and causing great nuisance to other users. The government's own research shows that Yorkshire is by far the most popular destination in England and Wales for recreational vehicle clubs. (DEFRA Report, Jan 2005, p43.)

Unfortunately, national park authorities do not have the powers to discharge the statutory obligations laid on them. They have no power to impose the traffic regulation orders that would enable them to put an end to what they see as the inappropriate presence of recreational vehicles on the green lanes that they are charged to protect. Those powers rest with the Local Highway Authority — in this case, North Yorkshire County Council. The result of this mismatch between duties and powers is as follows.

During the 1990s, pressure for something to be done about recreational vehicles steadily mounted. It came from parish councils, residents, visitors, amenity groups and the Park Authority itself. Eventually, in February 2001, a joint meeting between the Park Authority and North Yorkshire County Council was held. Its purpose was to explore the possibility of imposing experimental traffic regulation orders (ETROs) on a few of the most damaged green lanes. The grounds for the imposition of any such orders would be the conservation of natural beauty, and enhancement of the public's amenity. Ten months later, in December 2001, (nothing happens quickly in this affair) another joint meeting was held. It was agreed that a scheme for the imposition of 4 ETROs should go out to public consultation. Three months later, in March 2002, the consultation on just the *principle* of the proposed scheme was launched. This consultation resulted in a further joint meeting between the Park Authority and the County Council at which four routes were identified as likely to provide the most useful information about what happens when recreational vehicles are prohibited. In January 2003, nearly 2 years after the scheme was broached, yet another public consultation was launched, this time to gauge the public's response to the precise terms of the orders and to the routes chosen. Nobody reading this will be surprised to learn that the recreational vehicle user groups thought that the scheme for the ETROs was thoroughly unsound. Nor will they be surprised to learn that nearly 400 members of the public wrote letters of support for the scheme, and that 13 parish councils and 34 amenity groups gave similar support.

At a tense meeting of the Craven Area Committee of the County Council in April 2003, councillors resisted a last ditch stand by recreational vehicle users who rose, one after another, to condemn the scheme. The Council was unmoved. It went ahead with the imposition of the orders. Nearly a year elapsed before the orders actually came into operation (remember, nothing happens quickly), but in March 2004 the signs were posted at the ends of the four lanes. Taking a non-essential motor vehicle onto the routes would, for the next 18 months, be illegal.

Park officers and volunteers monitored the state of the fabric of the 4 lanes and the perceptions of users both before and after the imposition of the orders. Control groups of unregulated lanes were also surveyed. The results of this painstaking assessment were written up in a bulky report that was issued in June 2005. Briefly, the report established 5 things. First, compliance with the orders was much better than many had feared. Motor cycle use, for example, dropped by 90%. Just 10% of motorcyclists were apparently incorrigible, despite the law. Secondly, by seeing what happens when agricultural traffic continues, while recreational traffic is prohibited, it becomes plain who does what sort of damage. And the inescapable conclusion is that recreational traffic is responsible for a great deal of the damage.

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

Thirdly, although the severe rutting caused by recreational vehicles will take years to heal naturally, the lanes are already grassing over. As soon as recreational traffic was excluded, the appearance of lanes started to improve. Fourthly, questionnaires showed that the quality of the green lanes that users value most, after the scenic grandeur, is the peace and tranquillity that reign when vehicles are excluded. And fifthly, nearly half of those surveyed during the period of the ETROs said that their amenity had been improved, and that recreational vehicles should be excluded permanently from all green lanes in the national park.

Despite what seemed to be the overwhelming force of the report, officers of the County Council recommended to the elected members not that the ETROs should be made permanent, but that an order should be made just for a further year, during which, it was hoped, a management scheme would be produced by a Green Lanes Liaison Group that has been set up by the Council. At the meeting of Craven Council in July this year, where the fate of the ETRO scheme was to be decided, a solid phalanx of citizens stood up, one by one, and attempted to persuade the councillors to override the advice of their officials and to make the orders permanent. For once, the recreational user voice was muted. None of them said that the orders should be lifted so that they could go back to where they were 18 months ago — ie with unrestricted access to the 4 lanes. To that extent, the debate has moved decisively forward. But they insisted that management must be tried. The councillors were evidently convinced, for, by the casting vote of the chairwoman, the officers recommendation was adopted.

Where does this leave the green lanes of the Yorkshire Dales? Four and a half years after the initial discussions between the Park Authority and the County Council, there are still no permanent TRO on four of the most beautiful ancient green lanes in the National Park. Whether the County Council can be persuaded that the management regime that

these lanes need is one that simply prohibits recreational motor traffic, remains to be seen.

The moral of the tale is this. National Park Authorities, and the authorities charged with looking after other protected landscapes, must be given the tools to do their job. They must be given the powers to impose traffic regulation orders. The government minister who is seeing the Natural Environment and Rural Communities Bill through Parliament has said that he is sympathetic to the case for extending the powers of National Park Authorities. But there is no sign, as yet, (July 2005) that the necessary provisions will be incorporated into the act. If nothing is done, national park authorities will be at a permanent, crippling disadvantage when they try to discharge their obligation to look after the magnificent landscapes in their care.

**Michael Bartholomew** (Chairman, Yorkshire Dales Green Lanes Alliance)



**GLEAM aims to protect  
public paths from  
wanton and illegal  
damage.**

**If you would like more  
information or wish to  
assist please write to:  
GLEAM, P.O. Box 5206  
Reading RG7 6YT**

---

**Published by GLEAM**

**Chairman: David Gardiner.**

**Executive Secretary and Editor: Elizabeth Still**

---