

# 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.**

**SPRING 2002**

## **Beware the 'Discovering Lost Ways' Project and the off-roaders' hidden agenda.**

Would you like to find a new public highway that had been lost for ages, and when you have found it, have it as one that you yourself could ride or walk along? You are being encouraged to do just that, and get paid for it! But beware.....!

The *Countryside and Rights of Way Act 2000* recognises that there may be many such 'lost ways', which existed before 1949, but are not recorded on the Definitive Map. Under ss. 53-56 of the Act, members of the public have 25 years, until 1st January 2026, to get these ways onto the Definitive Map. If any way remains unrecorded by that time, it will be extinguished and lost forever. Unrecorded higher, possibly vehicular, rights that may apply to footpaths, bridleways and restricted byways will also be lost. Thus, where a bridleway is wrongly recorded as a footpath, the right to ride a horse or bicycle could be lost.

This legislation has led to the setting up of the 'Discovering Lost Ways' Project. The project is being led and promoted by the Countryside Agency. For Phase 1 of the project, covering England and Wales, they have appointed the University of Gloucestershire to lead a consortium to oversee the co-ordination of research, the creation of new posts as project officers, the funding of the voluntary sector, monitoring progress, and providing information and training. In Phase 2, covering England only, the Government will provide £2.75 million between 2001 and 2004 for historical research by the voluntary sector, and to provide support and training.

If any members of GLEAM are approached and consider undertaking this research into ancient documents and maps, which can be a fascinating task, they should be aware that it is extremely time-consuming. It also requires a fair amount of training to gain the necessary knowledge and experience to interpret these old documents and maps correctly.

In October 2001 your chairman, by invitation, attended the British Horse Society National Access Conference at Kenilworth. The first two presentations concerned the 'Discovering Lost Ways' Project. One was by Joanna Redgewell, an officer of the Countryside Agency, who described the project and its scope. The other was by Alan Kind, a leading member of the project team, who is also editor of the journal of the Byways and Bridleways Trust (an innocuous-sounding body, which we suspect is more byway than bridleway), as well as being Strategy Director of LARA (the Motoring Organisations' Land Access and Recreation Association, the umbrella organisation for all the off-roading clubs). Mr. Kind's sympathies undoubtedly lie in an off-roading direction. While he spoke very well and persuasively, it became apparent that he had a hidden agenda. While he was ostensibly persuading members of the British Horse Society to undertake research into finding lost bridleways, he was no doubt hoping that, in the course of this work, they would also find a good many lost byways. These could only be to the benefit of LARA, and would give them yet more scope for their off-roading activities. Cont'd page 2.....

**Beware the 'Discovering Lost Ways' Project and the off-roaders' hidden agenda. Continued.....**

So, if any members of GLEAM are invited to undertake research for the 'Discovering Lost Ways' Project, and take it up, please treat your findings with caution. GLEAM encourages the finding of lost footpaths and bridleways. However, if lost carriageways are discovered, remember that these have not been used since 1949. Apart from farm tractors, they have probably never been used by motor vehicles, only by horses and carts. We urge that these should immediately be protected by having Traffic Regulation Orders placed on them by the local Highway Authority, banning mechanically propelled vehicles except for access. Eventually, they should be classified as Restricted Byways.

David Gardiner



## **Restricted Byways:**

### **Wait a Year!**

Acts of Parliament, including the *Countryside and Rights of Way Act 2000*, take a while to come into force. As we had warned last year, the section which makes 'Restricted Byways' out of RUPPs at present on the Definitive Map still has to wind its way through the parliamentary process. DEFRA says that the consultation process is scheduled to begin next September, and the order is unlikely to be effective before April 2003.

The order will require an affirmative resolution by Parliament. This means that whatever is put before the House at the end of the consultation period will either be accepted or rejected. It will not be modified. It should be noted that all RUPPs on the Definitive Map will remain as RUPPs until at least April 2003.

Other parts of the very complex legislative reform envisaged by the Act will need careful scrutiny by Members of Parliament if they are not just going to be dead letters. The fear is that only responsible users of green lanes will obey the new restrictions, but that those who are quite prepared to break the law will have a field day because local authorities will find it extremely difficult and expensive to monitor adherence to restrictions and to bring wrongdoers to court.

# Friends of The Ridgeway to withdraw from Code of Respect

The Ridgeway is the oldest highway in Britain, having been a grass road for 6,000 years. It runs from near Avebury in Wiltshire to Ivinghoe Beacon in Buckinghamshire. Today the standard of the unsurfaced lengths of The Ridgeway is nothing short of a disgrace. Most of these lengths that are classified as BOATs or RUPPs have been churned into a morass of mud and ruts. This has been done almost entirely by 4x4s and trail bikes.



**Should these off-roaders be on the Ridgeway at all?**

**The Friends of The Ridgeway**, who are members and good friends of GLEAM, are giving notice to the Countryside Agency that they will be withdrawing from The Ridgeway Code of Respect, of which they are one of 17 signatories. Ian Ritchie, Chairman of The Friends, gives three reasons for doing this. In a letter to co-signatories urging them also to withdraw their signatures he says:

“ ● When we signed up to the Code we had high hopes that all parties would work hard to make it effective, for the benefit of all users. Sadly and patently this is not the case. We believe that having our name as a signatory to an ineffective measure that is not working, and that we have no opportunity to influence, reflects badly on us.

● We no longer feel that we can be party to a Code that explicitly states that we accept that motor bikes and recreational four wheel drive vehicles ‘have legitimate access to many sections of The Ridgeway’. This is precisely what we are campaigning against. We accept the current legal position, but are

fighting to get it changed. Our signatory to the Code suggests that we approve of vehicles using The Ridgeway - we do not, and we want our position to be known as being opposed to any non-essential vehicles using the Trail.

● We have no evidence to suggest that walkers, horse riders, cyclists, farmers and landowners are breaking the Code in any significant way. We have abundant evidence that the drivers of motor vehicles are continually breaking the Code and causing substantial damage to the Trail as a result. We suggest that, if the Code is to continue, it should become an arrangement between the motoring organisations (represented through LARA) and the Councils and the Countryside Agency. If violations of the Code continue, then it will be clear who is responsible.”

GLEAM is not a signatory to the Code of Respect, because we were less than a year old when it was launched. Nevertheless, we support and applaud the Friends of The Ridgeway in seeking maximum publicity for their withdrawal and the reasons for it, and we wish them every success.

Meanwhile GLEAM has written repeatedly and most critically to both the Countryside Agency, and to the National Trails Office which reports to it. We have told them both that, until recreational off-road motor vehicles are banned from unsurfaced lengths of The Ridgeway, the problem will never be solved.



**And this is what The Ridgeway is like by the Winter.**

## These County Councils are using TROs

In various parts of England and Wales, County Councils are realising that unnecessary damage is being done to unsurfaced green lanes by recreational off-road motor vehicles. Time after time, they are now putting Traffic Regulation Orders on these byways to ban such vehicles from them. For example:

- Hampshire County Council have a policy that off-road motor vehicles have no place on unsurfaced roads in the countryside. If a lost byway is discovered, perhaps as part of the 'Discovering Lost Ways' Project, and vehicular rights on it are proved, the Council always consider imposing a TRO on it banning it to motor vehicles except for access, and usually carry this out.
- North Yorkshire County Council and the Yorkshire Dales National Park Authority have resolved to put TROs on four groups of BOATs in the Dales on an experimental 18-month basis. Each group will be made up of a main BOAT plus its feeders. At least one of the main BOATs will be part of the Pennine Way, a National Trail.
- East Sussex County Council have published a Notice that they propose to put TROs on a group of BOATs linking the villages of West Firle and Jevington, between Lewes and Eastbourne. This is part of the South Downs Way, another National Trail.
- Powys County Council have put a TRO on a 6-mile BOAT, known as Monks Trod, in the Community of Rhayader in the mountains of mid-Wales. This is "to prevent the deterioration of Monks Trod", and is despite the fact that "there is no suitable alternative route via the public rights of way network".

### How many Councils will now follow suit?

GLEAM members may like to write to the Rights of Way Officer at their County or Unitary Council to ask what plans exist to increase the use of Traffic Regulation Orders on lanes which are being misused by off-roaders.

## “End of story ....”

or whoever thought that inspectors are beyond reproach?

In 1999, an inspector (Mr D Bryant) conducted a third inquiry on reclassification of RUPPs at The Candovers in Hampshire. He was very aggressive, and biased in favour of a predecessor inspector's conclusions. In March 2000 he issued a decision letter, which contained a number of errors as well as personally derogatory remarks. He then reported on a costs application, when he misreported matters of case presentation, and even ignored his own directions. His decision was taken to the High Court in the Marriott case, and was quashed in October 2000 on the grounds of (i) breach of natural justice, (ii) procedural failures, and (iii) errors of highway law.

A number of matters were not covered in court, including the more personal aspects. Complaint was therefore lodged with the Inspectorate in August 2001 after his costs report had been disclosed. The first response was that Mr Bryant had resigned following the court action, and that there might be little point in pursuing the matter. It was however said that he had further inquiry work to complete, and the complaint was therefore pursued. The end of the story was an unreserved apology for his conduct by the Inspectorate.

The same inspector had shown petulance regarding the Marriott case at another inquiry, and had behaved in a similarly aggressive manner. A complaint was made to the Ombudsman who declared a lack of jurisdiction. Complaint to the Inspectorate is still pending. Members should be aware that where there is a valid case of misconduct the Inspectorate will respond. Performance by inspectors is variable, and has been the target of the Rights of Way Review Committee. It is in the public interest to press for high standards.

Graham Plumbe

# An Offspring for GLEAM.

The Yorkshire Dales have suffered badly from the activities of irresponsible off-rovers. As a result of this, a number of people in the Dales National Park area, including some members of **GLEAM**, felt very strongly that “a local, single-issue Alliance, uniting walkers, landowners, cyclists, horseriders and farmers, and arguing for just one thing - the banishment of off-rovers from the Dales green lanes - would be useful.”

So writes Michael Bartholomew, the Chairman of the newly formed Yorkshire Dales Green Lanes Alliance. “To its great credit North Yorkshire County Council, in collaboration with the Yorkshire Dales National Park Authority, is proposing to apply four TROs ‘to conserve and enhance the natural beauty, wildlife and cultural heritage of the Park’. Naturally, the off-rovers are up in arms about it, writing in large numbers to the Council to protest. **GLEAM** members might like to write to the County Council, expressing their support for the experiment.”

The group have consciously made themselves into a kind of purely local mini-GLEAM. We welcome them and wish them good luck with their very worthwhile campaign. Contact telephone number:  
01943 468459.  
E-mail: bart.otley@virgin.net.



**But now read on....**

## **WHAT EXACTLY DOES “CONSERVATION” MEAN, AND WHO IS CAMPAIGNING TO CONSERVE WHAT?**

The following is copied exactly from the website of a group calling itself “Ancient Roads Conservation Volunteers”.

“As you may know the Yorkshire Dales National Park Authority [YDNPA] have a policy to ban all recreational vehicular use of unsurfaced roads, last Thursday the YDNPA had a meeting with NYCC [North Yorkshire County Council] Officers and Members, as I understand from an Officer of the YDNPA, they reached an agreement to apply, after consultation, temporary TROs on a number of roads or groups of roads, this will, I suspect, completely stop us from driving and riding in the National Park. Since when the new section 34a HA 80 comes into force we will not be able to use dual status roads. So they have, in a back door way, got what they wanted, a total ban of recreational vehicles in the Park.”

**IT SEEMS THAT FOR THESE OFF-ROADERS “CONSERVATION” MEANS TO CONSERVE THE RIGHT TO CONTINUE DAMAGING THE YORKSHIRE DALES NATIONAL PARK’S GREEN LANES, A VIEW THE COUNTY COUNCIL DOES NOT SHARE.**

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

### And from the North Wales valleys...

*“Dear Sir, There is a slow and inexorable increase in the use by trail bikes and convoys of 4-wheel drive vehicles of our narrow lanes and bridlepaths in the Ceiriog Valley and surrounding hills and valleys,”* wrote Peter Harman to Martyn Jones, his MP for Clwyd North.

*“These vehicles cause excessive noise pollution (many bikes have limited or no silencers), erosion of bridlepaths, hazard for pedestrians and walkers, and are leaving what I assume to be paths they are entitled to use, to trespass by riding across open hillsides. Specifically concerning trail bikes, I have on many occasions been run off roads and paths, witnessed sheep terrorised by their engines and speed, riding on roads in excess of the speed limit and without number plates as well as destroying (private) hillsides by playing macho games with each other.*

*“I realise that the future of our countryside is under increasing threat and particularly areas such as the upper Ceiriog Valley which is an area of outstanding natural beauty on a par with others in the UK legally designated as such.....We must understand that if such uncivilised behaviour is not discouraged or stopped, the very qualities which attract visitors to this area will slowly be destroyed by turning our homes and environment into a theme park for off-roaders.”*

In response to the letter, Martyn Jones, who is an honorary member of GLEAM, suggested to the writer that he should contact us. We are glad to have enrolled Peter Harman as a new member. And we are sure that Martyn Jones MP will do all he can to support GLEAM’s objectives in Parliament.

Meanwhile, the Chairman of the Countryside Council for Wales wrote to assure Peter Harman that his Council *“had begun a campaign in association*

*with the North Wales Police Force in February 2001 to highlight such issues with the public in general and with motorcycling associations and other interested organisations in particular. This planned programme was unfortunately stopped due to the foot and mouth outbreak.*

*“The moorland at the western end of the Upper Ceiriog valley lies within the Berwyn SSSI, so notified for its dry heath and blanket bog habitats, its hunting raptors and upland breeding bird assemblage.*

*“The provisions of the CROW Act also amends Section 28P(6) of the WCA 1981, making it an offence to intentionally or recklessly to destroy or damage or disturb any scientific feature or fauna.....*

*“The CCW have become aware of extensive motorcycle trespass within the Berwyn SSSI ...and are planning to undertake a campaign with the Local Authorities and the North Wales Police Force to reduce such trespass on the site.”*

It will be interesting to know what success has been achieved.

Published by GLEAM.

Chairman: David Gardiner.

Executive Secretary and Editor: Elizabeth Still

**GLEAM aims to protect public paths from unnecessary damage. If you would like more information or wish to assist please write to: GLEAM. P.O. Box 5206, Reading RG7 6TY.**