

GLEAM



Green Lanes Environmental Action Movement

Patron: HRH The Duke of Edinburgh KG KT.

www.gleam-uk.org

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

SPRING 2017

David Gardiner Stands Down as GLEAM's Chairman

By Michael Bartholomew, GLEAM's new chairman

Members may not have heard that David stood down as chairman, at the last AGM. At the same time, he stood down from the chairmanship of the umbrella organisation, the Green Lanes Protection Group. He has served both organisations admirably – GLEAM for twenty-one years, and GLPG for eleven. We owe him a great debt, and recorded our gratitude at the AGM. He will be a hard act to follow, but I will do my best, drawing on my experience of chairing the Yorkshire Dales Green Lanes Alliance. On 7th December David and I had the honour of an audience at Buckingham Palace with GLEAM's Patron, HRH the Duke of Edinburgh. HRH wanted to mark the occasion of David's handover of the chair, and to congratulate David on his achievement. The *audience* lasted half an hour, and was a very frank and open discussion. In October, HRH heads for well-earned retirement. Whether he gives up his patronage of GLEAM remains to be seen.

The Motoring Stakeholder Forum Gets Underway: the story so far

By Michael Bartholomew

GLEAM members will recall that in the last months of the coalition government, a DEFRA minister in the Lords promised to set up a 'Stakeholder Working Group' whose purpose would be to make recommendations to Government on the best way to deal with the problems caused by recreational vehicles on green lanes. However, the new government proposed, in its place, a 'Motor Vehicle Forum' – a forum that would bring together representatives of all organisations that have an interest in green lanes, in the hope that they could achieve a consensus and come up with recommendations that would encourage local authorities to devise 'locally-brokered solutions' to problems associated with the use of 4x4s and motorcycles on their green lanes. We doubted whether a meeting of minds on such an intractable issue was likely to be achieved, but we decided to put aside our scepticism and to actively participate.

The Forum's introductory meeting, held under the auspices of Natural England (a DEFRA agency), took place last November. The range of organisations represented was comprehensive. There were 4x4 and motorbike users, the Campaign For National Parks, local authority and national park officers, the British Horse Society, the Country Landowners, the Ramblers, and local and national organisations, such as GLEAM, that campaign for vehicle-free green lanes. In her introductory remarks, the chair made clear that no change in the law is in prospect and that the Forum should confine itself to making recommendations that could be implemented within the current law. But there was, she said, a faint opportunity to revise the guidance that DEFRA issues to authorities on matters of green lane management. None the less, the question that hovered, unspoken, over proceedings was the glaringly obvious one: should recreational motor vehicles continue to be allowed to use unsealed green lanes? But the Forum's members, after briefly setting out their individual organisations' unsurprising, well-known positions on the matter, politely turned aside from the Big Question, and set up sub-groups to work on particular aspects of green lane management. Groups were to examine the use of traffic regulation

GLEAM – Working to protect peaceful and quiet enjoyment of the countryside

Continued from page 1....

orders (TROs), the status of unsealed unclassified county roads (UUCRs), the maintenance of green lanes, and the problem of illegal use of motors on, and off, green lanes. Because everybody was on their best behaviour, and had not allowed the question that was on everybody's mind to bring proceedings to an acrimonious halt, further meetings were planned, again with Natural England in the chair.

The next meeting took place in early April this year. During the interim, the sub-groups had produced drafts of the recommendations that would be presented to DEFRA. The recommendations were fairly modest: the status of UUCRs urgently needs clarification; clearer guidance on the imposition of TROs is required; the police must be encouraged to take illegal use of green lanes more seriously; there must be wider public participation in the preparation of local green lane management schemes. The meeting accepted these interim reports and arranged, against expectations, a further two meetings, in June and September this year. An optimist might have concluded that progress was being made and that some sort of consensus was beginning to emerge.

However, it is possible that the fundamental rift that divides the vehicle lobby from the anti-vehicle lobby is beginning to open up. From GLEAM's side, the fear is that we will end up putting our name to a set of recommendations that will take us no closer to our goal of vehicle-free green lanes. The current drafts of the Forum's recommendations, even if accepted in full by DEFRA, will not actually guarantee the closure of one inch of one green lane to 4x4s and motorbikes. The best that can be hoped is that the recommendations might equip local authorities with more accurate, more authoritative information about green lane management. This might lead to the imposition of more TROs. But, equally, it might not, especially in authorities that are desperately short of money. Should GLEAM be seen to endorse such lukewarm proposals? From the vehicle-users' side, the fear is that if green lane management schemes are opened up to wider public debate, public hostility to recreational motors will put pressure on local authorities to impose more TROs. In what looks at first sight like a significant concession, vehicle users said that there are green lanes that are so sensitive that that they should be closed to recreational motors. But, so far, 4x4 and motorbike users have been coy about publishing lists of these lanes. It is safest to assume that vehicle users' default position will always be that restrictions on their use of green lanes are to be resisted.

That's how matters stand at the moment (April 2017). GLEAM's fundamental position is that the only answer to the Big Question is legislation, designed to remove motor vehicular rights for recreational users from unsealed green lanes. Watch this space.

Peak District Update - the long haul to save Brushfield

By Patricia Stubbs, GLEAM committee member and chair of the Peak District Green Lanes Alliance

Wherever it thinks it can win, the Peak District Green Lanes Alliance contests BOAT claims on routes in the National Park. Its latest success is putting an end to 4x4s and motor bikes using a magnificent route which rises high above the valley of Derbyshire's River Wye.

Some 200 green lanes in the Peak District National Park are open to use by recreational 4x4s and motorbikes. A number are now BOATs, but the majority are Unsealed Unclassified County roads (UUCRs). UUCRs are invariably on the List of Streets. They are shown on OS maps as Other Routes with Public Access (ORPAs), but the precise rights of way on them are unknown, so anyone can use them, including motor vehicles.

Immediately prior to the 2006 NERC Act, the Derbyshire branch of the Trail Riders Fellowship made BOAT claims on as many of Derbyshire's UUCRs as it could manage (over 100 in total). Derbyshire County Council's (DCC) legal department has been steadily working its way through these applications ever since. Where there is no clear evidence for historic use as a public carriage road, the Peak District Green Lanes Alliance (PDGLA) contests the application. It gets involved both at the DCC investigation / determination stage and at subsequent public inquiries.

GLEAM – Working to protect peaceful and quiet enjoyment of the countryside

PDGLA (and before it got going, individuals, including GLEAM members) has a good success rate. One of the most recent wins was over a high-level UUCR rising steeply from Monsal Dale in the Wye valley. The route is known as Brushfield, after the tiny hamlet it leads to. It has been severely damaged and it had become dangerous for all users, particularly horse riders. A resident who lives alongside the route and who gave public inquiry evidence said he had counted 102 motor vehicles using the route over a single weekend in March 2015.

Saving Brushfield has been a very long haul. In November 2012 the Peak District National Park Authority (PDNPA) agreed to a public consultation on a TRO for the route. Had this TRO been implemented it would have created a permit system for motor vehicle users. But PDNPA later decided to stop all work on its TRO pending the final outcome of the BOAT application, an unwise decision which permitted the continuation of uncontrolled motor vehicle use for a number of years.



Brushfield as it rises from the Wye valley: enclosed, narrow with blind bends, nowhere to escape from oncoming vehicles and now badly damaged. Before use by 4x4s and motor bikes this was an easy route for horse riders and walkers.



This part of Brushfield used to have a good surface. Horse riders could canter up it. It is now impossible on horseback.

Continued from page 4...

GLEAM – Working to protect peaceful and quiet enjoyment of the countryside

DCC researched the route in 2013. It determined that it was part bridleway and part footpath. The vehicle users objected, so there had to be a public inquiry. The BOAT application reached public inquiry stage in September 2015. PDGLA had historic evidence that the whole route was bridleway, and evidence from residents, walkers and horse-riders which contradicted motorists' claims that they had made sufficient use of the route to establish a BOAT by statutory dedication, ie in the 20 years before the BOAT application was made.

The Inspector's decision came in November 2015. She agreed with PDGLA and found that the whole route was a bridleway. But as her decision altered DCC's initial ('part footpath') determination, the vehicle user organisations were again able to object, so there had to be a second public inquiry. This was held in October 2016. The final bridleway decision came in December 2016, four years after the National Park abandoned its intention to implement a permit scheme.

The Brushfield decision will have come as a serious blow to the 4x4 and motorbike organisations. The route was one of a shrinking number of long, steep, high-level ways in the Peak District which are open to motor vehicles. Consequently, it attracted vehicle users from all over the country, and even abroad. Three other challenging, high-level routes in the national park now have TROs on them.

But the Brushfield story was still not quite over. The next step was to see bridleway signs erected. Signage is a matter for the DCC rights of way department. They ran out of signs nearly a year ago. Despite PDGLA making repeated requests for signs, DCC had still not bought any more by the time of the public inquiry decision. They said that they might get signs up on Brushfield 'some time this summer' (ie summer 2017). Brushfield thus joined a growing list of green lanes where PDGLA has defeated BOAT claims, but where there is no DCC signage to make it clear that motor vehicle use is illegal. This was frustrating, to say the least, but we are happy to report that the National Park Authority stepped in: its officers erected the necessary 'no motor vehicle' signs, on 13 March 2017.

Meanwhile, the vehicle user organisations are regretting Derbyshire TRF's decision to lay claim to Derbyshire's UUCRs. They now say that this was 'the wrong tactic'. We understand that it is withdrawing all its Derbyshire BOAT applications. So far, PDGLA has defeated 11 Derbyshire TRF BOAT claims on UUCRs in the Peak Park, and others in Derbyshire on UUCRs outside the Park. A further 51 Derbyshire TRF claims, to upgrade, to BOAT, routes that are already on the definitive map, but as footpaths or bridleways, have been closed by DCC in the wake of the Winchester Case: the applicants failed to demonstrate that any NERC exemption applied. These Derbyshire results make it clear that UUCRs on the List of Streets will not necessarily be found to carry a public right of way for motor vehicles. The Derbyshire experience shows that UUCRs may not even be bridleways. One of the routes where PDGLA was successful in defeating a BOAT claim on a UUCR, turned out to be a footpath.

The two Planning Inspectorate decisions for Brushfield are at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/484097/fps_u1050_7_86_interim_decision.pdf and

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/580608/fps_u1050_7_86_m_od.pdf

Needed: a new Honorary Secretary and Treasurer for GLEAM!

David Marr has served as GLEAM's honorary secretary and honorary treasurer for many years. Now, like David Gardiner, he feels that it is time for him to step down. If a GLEAM member would like to take on either or both of these roles, David will be happy to explain what is involved. Contact him at davidmarr@hotmail.com

Formation of a new Green Lanes Alliance in North Yorkshire

By Michael Bartholomew

The condition of many of the green lanes on the North York Moors – an area that is largely embraced by the North York Moors National Park – is as bad as anything we have experienced. Many routes, especially those that run through forests, have been so extensively ruined by recreational 4x4s and motorbikes that non-motorised users simply cannot make their way along them. A new alliance of people who want to see these routes closed to non-essential vehicles is in the process of being formed. (Contact nymgla@btinternet.com) Its leading lights are horse-riders whose activities have been made dangerous, or impossible, by the wrecked state of the green lanes, and by encounters with groups of 4x4s and motorbikes. Vehicle users often try to characterise their opponents as selfish walkers who want the entire network of rights of way to themselves. The North York Moors example demonstrates that horse riders, like farmers, are equally opposed to recreational vehicles on green lanes, although, for some strange reason, the umbrella organisation that represents the interests of equestrians, The British Horse Society, seems to be more interested in preserving the rights of vehicle users than in campaigning for vehicle-free green lanes.

Motor bikes and 4x4s causing dangers for horseriders nationwide

By Patricia Stubbs

A national survey of riding clubs, bridleway groups, riding schools and other equestrian organisations has found that the use of unsealed (ie non-tarmacadamed) tracks by 4x4s and motor bikes is creating dangers for horseriders all over the country. The survey also uncovered a high level of illegal use of bridleways and restricted byways. The survey is the first ever nationwide study of the impact which recreational driving on green lanes is having on riders. It found that riders in all English counties are being affected. The worst affected counties are Berkshire, Devon, Kent, Lancashire, North Yorkshire, Somerset and Surrey.

Over 200 organisations took part in the survey. Three quarters of them said that their unsealed riding routes are being used by 4x4s and motor bikes. Of these, 90 cent said that 4x4s and motor bikes are creating problems on one or more of their local riding routes; over a third said that recreational motors are causing problems on many, or most of their riding routes.

The problems identified by the survey are surface damage; horses being frightened by the noise of motor vehicles; vehicle speed; routes that are too narrow for a horse to be passed safely by a motor vehicle; routes where there is nowhere for a horse and rider to get out of the way of a motor vehicle; and blind bends. Over sixty percent of respondents who said that recreational motor vehicles are using their unsealed riding routes also said that 4x4s and motor bikes are driving, illegally, on their local bridleways and restricted byways as well.

The survey was carried out by Peak Horsepower (PHP), a bridleway group based in the Peak District and affiliated to the British Horse Society (BHS). Commenting on the survey results, PHP Chair, Charlotte Gilbert, says:

“Riding on ordinary roads is increasingly dangerous for horses and riders. Few local areas have a really good bridleway network, and most riders depend for safe off-road riding on other kinds of tracks with no tarmac. Riders are now having to share their off-road tracks with 4x4s and motor bikes. The result is that horse riding routes all over the country are becoming dangerous for horses and riders. The law as it stands is failing to protect riders and riding routes. It needs to be changed.”

The full survey results, including respondents' views on the recreational use of unsealed tracks by 4x4s and motor bikes, are available at <http://www.peakhorsepower.co.uk/>

GLEAM – Working to protect peaceful and quiet enjoyment of the countryside

Continued from page 5...

The BHS monitors road (ie on tarmac) accidents involving horses and motor vehicles. It says that last year alone over 400 such accidents were reported to it and that one rider and 21 horses were killed. In the light of these figures it is easy to understand why riders are so concerned about having access to safe riding routes, away from the tarmac. The BHS does not monitor the impact on riders of having to share unsealed routes with motor vehicles.

Successes in the Protection of Green Lanes

By Michael Bartholomew

Although progress on GLEAM's aim to persuade government to legislate to protect green lanes from the damage and nuisance inflicted by recreational 4x4s and motorbikes has temporarily stalled, we should cheer ourselves up by reflecting on some of the victories we have helped to achieve. Some of these victories have been won in the arcane purlieu of the courts and public inquiries. Vehicle users' bids to have more green lanes acknowledged as vehicular have been defeated, a bid to have hundreds of green lanes exempted from the provisions of the NERC Act has likewise been defeated, and numbers of TROs, despite High Court challenges from vehicle users, have eventually been successfully imposed, leading to spectacular improvements to the fabric and the ambience of the TRO'd green lanes. An emblematic example, whose outcome is wonderfully visible on the ground, is Mastiles Lane, in the Yorkshire Dales National Park. Years ago it had a celebrated surface of springy turf, over limestone, for most of its unwallled length. Then, 4x4s and motor cycles turned it into a sea of mud. A beautiful place was made ugly and noisy. But the national park authority, using powers conferred on it by the NERC act, closed it permanently to recreational motors. A local farmer, who grazes sheep and cattle on the adjacent pastures says that his life has been made easier. (His view is echoed by a Littondale farmer across whose land another TRO'd lane runs.) For cyclists, horse-riders and walkers, Mastiles is once again the delightful route that it was, years ago. The photographs below tell the tale. They were taken from exactly the same spot, before and after the TRO.



December 2012. Note the stone, taken from the adjacent wall to be dropped into the rut to provide more traction for the vehicle.



Taken from exactly the same spot in April 2013.

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, Old Hawkridge Cottage, Bucklebury Village, Reading RG7 6EF.

www.gleam-uk.org

Views expressed are those of the contributor and are not necessarily those of GLEAM.

Published by GLEAM